App. F. IX-4

Previous References

193 .
(Law)

File No. 127-35

Serial Nos. 3-24

Later References.

Preserved

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for Feby 41

SUBJECT.

re Messrs B.V. Narayanswamy & Co vs Govt of Mysore

WD 0573—GPB—22,500—12-9-39

6887/888

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Encr T.S.D

Please put these papers which are required for B.V. Narayanaswami's cement case

DOL
7/5

G.M. 203-33 is put up.

G.M. 170-33 is said to have been taken by M. K. Ramakrishnaiya for D.no. 3985/33 (vide R. sect.)

Dev. Bor to kindly put up the file. (Encr.)

TSD 8/5

The said file is said to be not available.

TSD 9/5

A copy of G.O. of 28.3.24 may be put up.

DOL
9/5

Dev. Bor } for favour of Compliance
U.C.

TSD

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

GEN. & REV. SECRETARIAT
9 MAY 1936
GOVERNMENT OF MADRAS

2

6887

File No.	of 193	General and Revenue Secretariat

No copies of the Govt orders may please be placed in the Connected Secret file.

ISD
13/5

Yours
for
13/5

3777

7

General and Revenue Secretariat Law File No. 127 of 193 5 [App. F. III—2

Serial No.	
1	From Mr. Dt. Judge. B-lore Letter no ~~XX~~ 1214 dt 21-12-35 Forwards for service and return the defendant's Summons in OS. 11/35-36 Messrs. B. V. Narayanaswami & Co Vs Govt 1) The previous file re notice issued by the party - has been put up for reference in the file re notice issued by Messrs M. N. Hussain & Co. (O.S. No 3716 subd to Sen Secy today) 2) The usual drafts are put up for consideration & orders. A reply has been given to the party in the main file. 23/12/35 3) Let its return be awaited one 4) The previous file 23/12 notice issued by the party - Law 190-34-Sts (1-4) is put up herewith facts of the case are stated in detail in the report of the Ex Engineer Irwin Canal Dn H. C. Reference is

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

3

3777/P

Law File No. 177 of 1935. | General and Revenue Secretariat

circulate to members orders of 19.9.35 in this file. para 3.3 of the notes and to the notice issued to the party's Adv. (Fl. D.)
Submit for orders with the usual file.

Sec. 30/12/35

5) The Summons may be accepted & the letters may issue.

Chief Secretary) 6 30/12/35

Hon 30/12

6 30/12

TYPING SECTION 31 DEC. 1935 GENL & REV. SECTT.

To,

The Dy Judge. Blue

no. P. 4361 d 6.1.36 returning the Summons in original.

The Govt. Advr. Blue

no. P. 4362 d 6.1.36 instructing him to appear for Govt.

The Ch. Engr

no. P. 4363 d 6.1.36 Calling for a report.

Sec A
8/1/36

4487 5

General and Revenue Secretariat | Law File No. 127 of 1935. | [App. F. III—2

Serial No.

From

The Ch. Engr

no. 7716/K55 d 20.1.36 inviting reference to his Communications dated 28.5.35 and 1.6.35 and stating that the PPr Blore may prepare defence statements in Consultation with the defendants 2 & 3.

6) The ~~defence~~ Civil suit filed by Messrs. Rr Narayanaswami & Co. Cement Suppliers for recovery of Rs 9340/-. Has to be ~~contested~~ resisted as ordered in the notice file placed below.

Sub: case of dfr G.O. sanctioning the defence.

TSD 29/1

7) may be approved. A separate letter will be written to the PPr to consult messrs C.T. Narasimha Iyengar & N. Subbaraya defendants 2 & 3 in the case, & prepare the WS. on behalf of govt as desired in para 2 of the chief Engr's letter.

Genl Secy) Rao 29/1
31/1/36

8) Issue & submit
31/1

GENERAL SECRETARIAT
30 JAN. 1936
776

NOTE.—Contn. Sheet.

WD 03591—GPB—30,000—13-7-35

6

4687/4883

Law File No. 127 of 1936 — General and Revenue Secretariat

To,

The Chr. Bglore

Ch. Engr

Cumpsolle

Secy Rly.C.

Lr. no. P. 5134-7 d 3-2-36 sanctioning the defence of the Suit.

1) Resubd. with a dpr to the Chr. Bglore

Issd. 4/2

10) Issue 4/2

To,

The Chr. Bglore

Do. no. P. 5332 d 6.2.36 instructing to prepare the dfts. w.s. on behalf of Govt. in Consultation with defendants 2 and 3.

From,

The Chr. Bglore

no. 719/3836 d 3.2.36 soliciting instructions when he shd. appear on behalf of the one or defendants and enclosing vakalat for signature & return subd. for ~~the~~ orders.

Issd. 6/2 — Defts 2 & 3 have to move the chief Engineer in the

Serial No.

matter -

No reference has been received from the Chief Sec^y so far recommending that Defts 2 + 3 in the case be defended at Govt Cost.

12) The Vakalat sent may ~~the~~ be signed by chief Secy for being sent to PP^r.

Gen Secy) Yes 6/2
Rec 7/2

13) For favour of signature to the Vakalat

Chief Secy) 7/2
7-2-36

14) Issue 8/2

GENERAL DEPARTMENT
6 FEB 1936
195

CHIEF SECRETARY.
7 FEB. 1936

From Govt. Pr. Store
No. 739/3502 d 4.2.36
requesting that an officer of the Dept may be instructed to give evidence

7 FEB. 1936
REVENUE

15) Dft returning proofs
ISD 8/2

16) Issue 8/2

To,

The Govt. Pr. Store
No. P. 3502 d 8.2.36 returning the Vakalat

KING SIR

FEB. 1936
4-5

Sen A Sr
await v. sr.
11/2

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

8 O.S. 11/35-36. Dr. A. B'lore

4977

Law File No. 127 of 1935. General and Revenue Secretariat

From,

Re. Addr. B'lore

no. 761/35-36 d 7.2.36 requesting for the records relating to the above case available in the S.P.C. and soliciting permission to go to Mysore with his clerk to discuss the matter with the Addr. Mysore and to get Copies of some of the documents

17) Subd: write a dft to the Secy S.P.C. instructing him to send the available papers to the Addr.

18) The Addr's request for permission to go to Mysore with his clerk is for orders.

TSD 13/2

19) Issue of resubmit

BDH 13/2

TYPING SECTION 14 FEB. 1936

To,

The Secy S.P.C.

no. P. 5401 d 11.2.36 Calling for the Connected records relating to the Contract of Messrs. Sri Ranganathaswamy & Co.

Re subd: for the records requested.

TSD 15/2

From,

The Secy S.P.C.

no. S.P.C. 13547 d 17.2.36 forwarding the papers relating to the supply of Cement by Messrs. S.V.R.

Serial No.

i) If appl^n ree Collection now rec^d will be sent to ree for. s'line. Orders are solicited on ree PP's request for permission to go to Mysore with his clerk (vide para 18 supra)

TSD. 18/2

ii) The records received from the S.P.C to/be sent to the PP's.

As regards his request for permission to go to mysore to study the papers filed in the Criminal cases & to discuss the matter with the PP's there, I think the permission asked for may be granted. It is better that the records in the Cr^l cases are perused before the defence in the Civil case is prepared. The PP's, Bangalore need not however take his clerk since he can have the services of the PP's clerk at mysore for helping him to take copies etc.

Gen Secy) mc 19/2
9/2 18/2/36.

516.

First Member) mc 19/2

S/2 19/2

mc 19/2

ii) Draft mc 20/2

OFFICE OF THE FIRST MEMBER OF COUNCIL 19 FEB. 1936 No. S/97

WD 03594—GPB—30,000—13-7-35

10

5147
5205

Law-File No. 127 of 1935.

General and Revenue Secretariat

25) Dft G.O. mtd for appl

TSD 20/2 26) Issue as revised
& put up a dft letter
~~not~~ sending the record
& instructing him
re: clerk etc
copy of this may be
sent to ppr anyone

MR
20/2

To,

Mr. B.R. Bline

" Comptroller,

G.O. no. 6.5597-8. d. 20.2.36 according
sanction to the Proposal

from,

The Ch. Engr.

no. 3169 d. 19.2.36 requesting to
instruct Mr. B.R. Bline to defend
Messrs. M. Subba Rao and C.T. Narasimha
Iyengar, defendants 2 & 3 respectively

25) Subd. with a dft with ref. to for the Engrs
& dft G.O. is also part of instructing Mr. B.R. Bline
to appear on behalf of defendants 2 and 3 also.

TSD 24/2

26) Issue dft to ppr
& return
MR
24/2

EB. 1936
G.S.
R.V. SEC.

Dec. 1935
G.S.
R.V. SEC.

O.S. 11/35-36 – Dr. Cr. B'More
(Messrs. Br. Narayanaswami vs Ch. Secy) Suit

General and Revenue Secretariat | Law File No. 127 of 1935. | [App. F. III—2

Serial No.

To,

Re Br. B'lore

no. P. 5856 dt 25-2-36 informing that there is no necessity to take his class to Mys.

1) Re-submit for orders with ref^ce to paras 2 & 6 supra
TSD 25/2

2) May be sanctioned
Secy) BRP 26/2
MW
26/2

3) Issue
BRP 26/2

GENERAL SECTT. 26 FEB. 1936

27 FEB. 1936 REV. SECTT.

To,

Re Br. B'lore
Ch. Engr
Controller

S.O. no. P. 5758-6 dt 28-2-36 sanctioning Rs defence on behalf of Mys 2 & 3.

See A/s answer
Secy.
3/3

From,

Re Br. B'lore

no. 10685/35-36 dt 14-4-36 forwarding for appl^n Rs 10 summons to be filed in Rs above Case and requesting an advance of Rs 50/- to meet Rs expenses of Rs Suit.
Ref^ce paras 6 & 7 supra.
Subm^d for approval.

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

12

O.S. 11/25-36 on the following Draft Note
(Re. Nanjundaswamy vs Govt) 638

Law File No. 127 of 1935. General and Revenue Secretariat

30) The Ch. Engr. may be required to advance the amount required by the Govt.

TSD 21/4

31) I very much doubt if the draft W.S. on behalf of Govt discloses a valid defence. The Pltf tries to make out that Govt is not the proper party in Suits based on a contract entered into with the S.P. Comte. This possible Contention does not seem to me to be sound - The Committee is no corporate body and is no person in the eye of the law. It is a department of Govt & acts for and on behalf of Govt. I fear the legal implications of a defence as is now raised are serious & have to be carefully Considered. If approved, the matter will be discussed with the Pltf personally and then the G.A. also consulted -

Govt Secy

Govt well issue
21/4/36.
23/4

21 APR. 1936 667

33) Draft to Govt
issue
28/4

TYPING SECTION
25 APR. 1936
GENL & REV. SECTT.

34) Draft put up
TSD 24/4.

35) Issue
Govt 27/4

Issued no. G. 7128 dt 27.4.36

Sec A
29/4/36

6385 6388 17

General and Revenue Secretariat | Law File No. 179 of 1935. | [App. F. III—2

Serial No.

36) I have discussed the case with our Draftswoman Mrs. She agrees to omit para 3 and portions of para 4 of the defence wherein he disputes the Competency of the Stores Purchase Committee to enter into Contracts on behalf of Govt. It is clear from the rules & orders governing the Constitution of this Committee that it is a Committee empowered to bind govt by its Contracts. The Pltr has promised to revise the draft W.S accordingly & resubmit it for approval of Govt. Please return Mens for the purpose

MRL 9/5/36

1) Approving W.S
2) Issue of Notice
3) To inform PWD when the case is finished MRL

37) Dft sent TSD 11/5

38) Issue recommended MRL 11/5

Issued no. P.7406 dt 11.5.36.

From

The Asst. Blore

no. 1193/35-36 dt 10.5.36 forwarding for appl. the revised W. Statements to be filed in the above case

39) Refd paras 31 and 36 supra

TYPING SECTION 11 MAY 1936 GENL & REV. SECTT

SubA 11/5

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

14

OS. 11/35St - Dmcr. Blore
(Messrs. Naagaswami & Co vs Govt)

293

Law File No. 127 of 1935. General and Revenue Secretariat

The W. statements are rtd. for appl.

Dated 14/6/36

ISD 29/5

40) Forwarded with Compts to the Govt advocate for favour of scrutiny & early return with suggestions, if any.

M Jagannadha Rao
29.5.36

U.O.No. P 219/35 dated 29.5.36.

Tdo 1006/35286 dt 29.5.36

41) Returned with Compts.

Para 3 of 1st d/d/s. Statement is not very clear, but there is no harm in having it in that manner. The agreement of 5.10.33 is not annexed to the statement as mentioned in it and I could not find it in the file. It is however assumed that the scope of it is correctly incorporated in the to Statement. The W. Statements seem to be all right and may be adopted.

V. Nagaswami Rao
30.5.36

Rec. Do. 128/35286 dt 30.5.36

31 MAY 1936 NO

42) Where is the agreement of 5/10/33? Has it not been sent by the Dr?

ISD 2/6/36

43) The agreement is flagged 'A'

ISD 2/6.

Serial No.

44) I have scrutinised the draft with reference to the Agreement flagged 'W'. The draft statement is all right in this respect & may be approved.

As for para 3, however, I agree with the Govt advocate in thinking that there is no point ~~not~~ in it. The contract entered into ~~with~~ by the S.P. Committee was for & on behalf of Govt & under the C.P. Code, Govt is always represented by the Chief Secy. ~~Anyway there is no harm~~ I think it is better to omit this para rather than to retain it in the written statement. After approval, the statement may be got signed by the Chief Secy. (Gen Secy) 2/6/36

Chief Secy)

45) Please ask Govt. if para 3 may be omitted. His ~~Govt~~ note above is that it may remain.

3/6

G.O.No.P224/35 dated 4.6.36

46) Govt advocate with compts for favour of advice.

4/6/36

No. PO. 194/351-36 dt 6.6.36

47) Returned with Compliments.

As I have mentioned already, what the learned Govt. Pleader means is not clear. If however he thinks he can make a point out of para 3, I do not see any harm in having it.

5.6.'36.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-51.

16

7293/P

Law File No. 127 of 1935 — General and Revenue Secretariat

48) The case is coming for hearing during the course of next week. I think the W.S. as it is, ~~may~~ retaining para 3, may be approved & fit signed by the Chief Secy — The necessity of using para 3 in support of the defence may be considered later on.

Gen Secy) 49) Yes 7/6 [illegible] 6/6

GENERAL DEPT. — 7 JUNE 1936

Ch Secy) 8/6

CHIEF SECRETARY — 8 JUNE 1936

50) Fit for returning proof

ISD 9/6

51) Issue & return with office no. as above

[illegible] 9/6/36

TYPING — 9. JUN. 1936 — SNL & RF

To,

The Sr. Br. Bombay

No. P. 5145. dated 9.6.36 returning the Cr. Statements duly appd

From,

The Sr. Br. Bombay

no. 1208/35-36 d 28.5.36 stating that the case will take a long time before it is disposed off and that for several years there will be no chance to claim remuneration and ~~abscondees~~ requesting to pay at least half the remuneration

O.S. 11/35-36 – Dr. ct. B'lore
(Messrs. BV. managing screw, &c vs Ch. Sec? roads) 17

7254

General and Revenue Secretariat. | File No. 127 of 1935. | [App. F. III-2

vide G.O. d 10.10.36 Pag' x

52) The rules for the Conduct of the legal affairs of Govt do not Contemplate the payment of fee in advance. The Pr in his letter dated 14th April 1936 requests that a Sum of Rs 50/- may be placed at his disposal towards the Costs to be incurred in the Suit. If appd the Ch. Engr will be instructed to pay this Amount as req? under rule 130 of the legal affairs rules.

Sub? for orders

ISD 10/6.

53) The payment of a portion of the fee in advance is not contemplated by the Legal Affairs Rules of Govt. The practice of making such payments which was in vogue in Bangalore has been deprecated in G.O of 10th Oct 1935. In the case of private clients however the practice is to receive the fee before the brief is accepted. The Pr requests payment of a moiety in advance in this case as a special favour in view of the importance of the case & the work involved in preparing the statements. The Suit claim being for Rs 9340/- the Schedule fee will be about Rs 337/-. I think that if an advance is to be sanctioned it is sufficient to pay now Rs 100/- instead of half the fee as asked for by the Pr.

5% on 5000/- 250-0-0
2% on 4340/- 87-0-0
337/-

As regards the advance of Rs 50/- asked for to meet the costs of the defence, this

NOTE—Contn. Sheet.

18

7364

Law File No. 127 of 1935

General and Revenue Secretariat

may be sanctioned. The Chief Secy being asked to point out the same

Genl Secy) DNE 10/6

1935

54) There is no reason why the direction made in the Sp. J 6 Oct 1935 shd be relaxed in this case. No part of the fee need therefore be paid in advance.

The amount of Rs 50 required for charges of defence may be ordered to be accounted for and adjusted in full by the time the case closes.

B

A

DNE 10/6/36

Fish Member) DNE 11/6

55) A Yes

56) B He may renew the applcn after the case is at least begun in the Court

From the Pol Secy's letter no. 1186 d. 8.6.36 requesting to return the enclosures of his letter no. 1257 d. 10.6.36 requesting orders as no advance required.

S/Sec 11/6

DNE 12/6

57) Draft

DNE 12/6

77

Gs. 11/3536 - Dr. ex. B'lore

7554
7583
7520

19

General & Revenue Secretariat. — File No. 127 of 1935 — [App. F. III–2

Serial No.	
	58) 2 dfs submd for appl
ISD 13/6	59) Put up a draft for sanctioning the advance of Rs 50/- me 13/6
	60) Dft S.O. prepd.
ISD 13/6	61) Issue prop 13/6

TYPING SECTION
15. JUN. 1936
GENL & REV. SECTT.

To,

The Ch. Engr

& Dr. B'lore

Comptroller

S.O. no. P. Sr Sr-4 d 16.6.36 sanctioning an advance of Rs 50/—

to Dr. B'lore

no. P. 8285 d 16.6.36 instructing him to review his request after the case is posted for evidence

Sunc 19/6/36

From

The P. Dr, B'lore

Letter no. 214/36-37, d 31st Jan 36 forwarding his T.A. Bill for Countersignature.

62) The P. Dr was authorised in S.O. No. 5797 to go to Mysore. (Hag. S.) to request for Countersignature. Sch) for absence of the Dr may be ~~invited to para 23 of Compt's Manual~~

878 ~~Rejected~~ of his T.A. Bill.

NOTE—Contn. Sheet.

63) Countersigned by Engr

Brought page 8/6

2) O. S. 11/35-36 Dt Ct Bklore 776

File No. Law 127 of 1935	General and Revenue Secretariat

(1) Subd a dft returning the T.A. Bill.

(2) 157 & 158 Issue

To

The P. Pr, Bklore

No P.1282, Dt. 18-8-36 forwarding T.A. Bill

TYPING SECTION
17. AUG. 1936
GENL. & REV. SECTT.

O811 of 35-36 1182 / 2106
DCC Bangalore

General & Revenue Secretariat. File No. 127 of 193 5 [App. F. III–2

Serial No.

From

The Dist Judge, B-lore Dn
No XX 789 dt 2-10-36

Forwards Summons for the production of original bills, letters, indents etc - exhibited & unexhibited - in civil case no 138 of 34-35 on the file of the Munsiff, at Mandya.

66) The papers required to be produced before the court are not clearly stated. The requisition is very general in its nature. Moreover, the exhibits etc. are perhaps in the Court & not in our office.

Dft returning the summons for

Date of hearing 5-10-1936

3/10/36 Ca. mre

67) Issue today & resubmit for perusal

To the Dist Judge, B-lore Dn mre 3/10

Issued - Nos 2279 dt 3.10.36

Returns the summons & states that the documents are not in the custody of the undersigned.

68) Resubmitted for perusal.

7/10/36 Ca. mre

Sup C 5-10-36

Gen Secy) mre 3/10

69) Rec'd 3/10

mre 5/10

GENERAL SECRETARIAT 3 OCT. 1936

TYPING SECTION. 3. OCT 1936 GEN'L & REV. SECTT.

NOTE—Contn. Sheet.

22

3150

O. S. 11/35-36 of C. C. B'lore
(B. V. Narayanaswamy VJ Govt)

Law File No. 127 of 1935

General and Revenue Secretariat

From

The P. Pr., B'lore

Letter no 1006, dt 24-11-36

States that the case a reference has been made by the Dist judge to have it transferred to Mysore as the judge is related to the 3rd defendant.

70) It is reported that the Dist judge has made a reference to have the case transferred to Mysore on the score of his being related to the 3rd defendant.

71) The P. Pr. claims half the regulation fee in view of his study of numerous documents, appearance on several dates etc:

Subd for orders.

26/11

72) I think the question may be considered after hearing from the P. P. that the case is transferred.

(Gen Secy) 73) Yes

BKR 30.11.36

GENERAL SECRETARY. 1 - DEC. 1936 846

For perusal

Rw 4/12

BKR 5/12

(For Member)

74) 1/2

9/12

Rw 9/12

BKR 10.12

FIRST MEMBER'S [illegible] 5 DEC. 1936 No. 3706

Sec-B (20-12-36)

10-12-36

3150V3477

O. S. 11/35-36 (Messrs B. V. Narayana Rao & Co vs Govt)

General and Revenue Secretariat — File No. 127 of 193 S — [App. F. III—2

Serial No.

15

From

The Chief Engineer, K.R.S. Works

No 1712 K.S.S. dated 10.12.36

States that the P pr has brought to notice that the case is likely to be transferred to Mysore and requests that the P pr Mysore, may be directed to defend the case there.

(X. H.C.O.)

15) The P pr in his letter X dated 24.11.36 has stated that the judge has made a reference to have it transferred to Mysore as he is related to the 3rd defendant

No further report from the P pr giving intimation of the transfer of the case to Mysore has been received

Submit for orders as to whether this question may be considered after hearing from the P pr

12/12/36

16) The question may be considered after hearing from the P.Pr that the case is transferred

(Gen. Secy)

BKR
12.12.36

GENERAL SECRETARY.
12 DEC. 1936
1167

From

The Dist. Judge

Mysore

Letter no Xx 949, dated

forwards notice in duplicate re: the

NOTE—Contn. Sheet.

WD 0417--GPS—80,000-8-9-36

24

O. S. 11/35-36 Dt Ct B'lore 3507

O. S. 10/26-37 Dt Ct. Mysore

(B. V. Narayanaswamy VS Gopal & others.)

File No. 127 of 1935

General and Revenue Secretariat

Law

Serial No.

transfer of the above case.

77) Notice of the transfer of the case from the Dt Court B'lore to Dist Court Mysore is served on the Ch: Secy. the original notice may be taken.

Hg Date 21-12-36

~~Dfts forwarding~~ Necessary

78) dfts are put up for approval.

GENERAL SECRETARY. 14 DEC. 1936 1206

14/12 (Gen'l Secy)

79) Issue 14/12 BKR 14.12.36

80) Issue & register BKR 15-12

TYPING SECTION 15 DEC. 1936 GENL & REV. SECTT.

To

The Dist Judge

Mysore

Letter no. P. 3873, dated 15-12-36

forwarding original notice

To

The P. P., Mysore

Letter no. P. 3874, dated 15-12-36

forwarding duplicate of notice

81) Subd. after issue (Reference paras 71 & 72 supra.)

82) The suit claim is for

15/12

O. S. 10/36-37 Dt. Ct. Mysore

(B. V. Narayanaswamy Vs Govt.)

General and Revenue Secretariat | File No. Law 127 of 1935. | [App. F. III—2

Serial No.

5% on Rs 5000/- = 250-0-0
2/- on Rs 4350/- = 87-0-0
337-0-0.

Rs 9340/-. The scheme fee payable to the Advocate will be Rs 337/-. The case is now transferred from the file of the District Judge, Bangalore to file of the District Judge, Mysore. The P. Pr of Bangalore who was appearing for the defendants now requests that at least half the refreshing fees may be sanctioned, as he has taken lot of pains in studying numerous documents and preparing the defence Statement. (Flag O)

83) Evidence is not yet begun, and thus the greater and more difficult part of the work still remains. It seems therefore, that a sum of Rs 100/- would be a fair remuneration to the P. Pr of Bangalore;

Gen. Secy)

BNR
16.12.36

GENERAL SECRETARIAT
16 DEC. 1936
1298

84) May be considered after the case is disposed of and the time comes for payment of fee.

Sd
17/12/36

BNR
18.12

85) It is for orders whether the P. Pr., B'lore written to as at para 84 supra.

Sd
18/12

88) Draft

BNR
18.12

87) Submit with a dft for approval,

Sd
18/12

88) Issue

BNR
21.12

Issued vide P. 4027, dt 23-12-36

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

26 O.S. 11/35-36 H. C. Bl'ore
(B.V. Narayanaswamy VT Govt) 3617

File No. Law 127 of 1935

General and Revenue Secretariat

Serial No.

From
The P.P., Mysore
Letr no 793, dated 19.12.36
Forwards Vakalat for Signature of the Chief Secretary

89) Subd The Case has been transferred from the Dist Court, Bl'ore to the Dist Court Mysore. The P.P., Mysore has forwarded a Vakalat for Signature the Vakalat may be submitted to the Chief Secretary for favr of Signature

23/12

90) For favour of Signature of the Vakalat (Flag L)
Chief Secy) BNR 23.12.36

91) Signed. HMS 24/12

92) HS 26.12

93) Arrgt submd
Secy 28/12

94) ensue HS 29.12

Ltr no 4138, d 2-1-37

Sus C 2-1-37

CHIEF SECRETARY * 23 DEC 1936 * GOVT. OF MYSORE

O.S. 11/35-36 St. ct. B'lore
(B. V. Narayanaswamy Vs Govt)

2/

General and Revenue Secretariat

File No. Laws 127 of 1935. [App. F. III—2

Serial No.

From

The P. Pr.

B'lore

Letter no. 1317, dated 4-1-37

Requests that the question of his remuneration may be taken up early. Since it will be very difficult for him to keep in touch with the progress of the case in Mysore.

From

The P. Pr.

B'lore

Letter no. 1333, dated 6-1-37

Forwards Records - (1) Stores Purchase Committee Local Indent no 2475, (2) Laws 190-34 Sts 1-4

95) The P. Pr's claim Request to have his remuneration paid earlier does not appear to be tenable in View of clear instructions contained in G.O No. P. 2488, d 10th Oct: 35 (Flag O.)

96) The Records received with his letter no. 1333, d 6-1-37 may be forwarded to the P. Pr. Mysore for reference

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

28 O. S. 10/36-37 Dt. of Mysore 3856
(B. V. Narayanaswamy & Co. Vs. Govt)

File No: Law 127 of 1935. | General and Revenue Secretariat

Serial No.

and return - A dft forwarding the same is put up for approval or orders

97) Done

8/1

98) Re P.M.D. the P.Pr. may be informed that, as already agreed, the question of apportionment of fees will be considered after the disposal of the case (vide also Rule 54 (3) of the Rules relating to Legal Affairs of Government.)

BKR
8.1.37

TYPING SECTION 9 JAN 1937 GENL & REV. SECTT.

To

The P. Pr, Mysore

Letter no P. 4367, dated 9-1-37

Forwards two files for Reference

99) A dft as per para 98 supra is put up for approval.

9/1

100) Done
BKR
9.1.37

Ltrhd no P. 4438, dated 11-1-37

TYPING SECTION 9 JAN 1937 GENL & REV. SECTT.

Sd/-
12-1-37

O. S. 11/26-37 St. Ct. Mys.
(B. V. Narayanaswamy Vs Govt & Co)

General and Revenue Secretariat

Laws File. No. 127 of 1935. [App. F. III—2

Serial No.

From
The P. P.
Mysore

Letter no 924, dated 26-1-37
States that the case has been adjourned to 22-3-37 for evidence.

101) Subd for perusal.

Sur C 26-1-37

26/1

BNR 26.1.37

From
The Secy S. P. C
Letter no. SPC. 957 dated 28.7.1937
forwards a copy of letter no. XX-34 dt nil from the Dist Judge Mysore and the witness summons & requests that the papers summoned may be caused to be sent direct to the Dist Judge, Mysore

Date of hearing 19-11-1937

102) The papers summoned are now with the P pr Mysore, as they have been sent to him for his reference with this office letter no. P 4367 dt 9.1.1937 (R.C.)
If appd, the P pr will be requested to return the papers to the Secy S.P.C immediately and the summons will be returned

NOTE—Contn. Sheet.

WD 0417—GPB—30,000—8-9-36

30 O. S. 10/36-37 H. C. Mysore 1757/6826 V 213
(B. V. Narayanaswamy & Co vs Govt)

Law File No. 127 of 1935 — General and Revenue Secretariat

Serial No.	
	Date of hearing
	19-7-37

To the Secy S.P.C for taking necessary action on receipt of the papers from the Pppr

Ley for orders.

12/7/37

103) P/o — BNR 12/7

12/7

104) Off-put up

Ley

12/7/37

105) Issue BNR 12.7.37

Issued vide P 194, dt 12-7-37 — Sec C 13-7-37

From

Messrs B. V. Narayanaswamy & Co.

Bangalore

Letter no nil, dated 15-9-37

Requests that suitable orders may be passed to settle the claim out of Court.

106) Messrs B. V. Narayanaswamy & Co. Request that in view of the decision in the criminal cases arising out of Mandya cement defalcations, suitable orders may be passed to settle their claim out of the Court.

Submitted for orders. — Ag date

107) Plaintiffs make a — 20-9-37

16/9

O. S. 10/26-37 St. Ct. Mysore 175
(Messrs B. V. Narayanaswamy & Co vs Govt)

General and Revenue Secretariat | File No. Law 127 of 1935. | [App. F. III—2

Serial No.

representation that it is desirable that the suit should be settled out of Court; no specific proposals are, however, made by them. If approved, the letter will be unofficially sent to the Chief Engineer for favour of remarks.

108) Gen. Secy. BNR 17.9.37) Yes. Ind 17/9

GENERAL SECRETARY. 17 SEP. 1937 1646

H.Q. Date 20-9-37

H.O. No. P 36/37 dated 17th September 1937.

109) forwarded, with compliments, to the Chief Engineer for favour of remarks

BO. BN Ramakrishnaiya for Gen. Secy 17.9.37

H.Q. No II/1635 Dy 30/6/37

S.E. to be consulted

DA 22/9/37

Flag K.

110) A copy of the letter No 2501 Dy 7th Oct: 37, received from the Supt Engr Bangr. circle with a copy of its enclosure is placed in the file.

111) As the firm has acted on bogus and forged indents, and the articles referred were not at all received in the Dept, their claims cannot be considered

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

32

O. S. 10/36-37 Dt. Ct. Mysore 175783/2580
(B. V. Narayanaswamy & Co vs Govt)

Law File No. 127 of 1935

General and Revenue Secretariat

as tenable. There seems to be no ~~necessity~~ reason for Govt being liable to make any payments to the firm & settle the matter out of Court

22.10.37

Secretary with Compliments

25.10.37

GENERAL SECRETARY. 30 OCT. 1937 Mysore.

117 Reference paras 107 and 108 supra. The Chief Engineer has forwarded copies of correspondence from the Executive Engineer, Mandya and the Superintending Engineer, Mysore, offering their remarks on the petition of Messrs B. V. Narayanaswamy & Co. The Chief Engineer is of opinion that there is no reason to settle the matter out of Court.

Flag K. — P.U.D.

118 In the circumstances reported no notice need perhaps be taken of the petition, and the suit allowed to be decided on merits.

Submitted for orders.

JB 4/11

O. S. 10/36-37 Dt. Ct. Mysore 2583
(B. V. Narayanaswamy & Co. Vs Govt.)

General and Revenue Secretariat

File No. Law 127 of 1935 [App. F. III—2

Serial No.

1:4 Plaintiffs have made a representation that it is desirable that the suit is settled out of Court. The Chief Engineer who was consulted in the matter is of opinion that the suit claim is not tenable and that there is therefore no necessity for Government to settle in case out of Court (See paras 110 and 111 supra). The letter from Executive Engineer (Flag K) addressed to the Superintending Engineer clearly explains how the plaintiffs claim is untenable. The contention of the Government is that the orders on which plaintiffs are alleged to have acted, are forged ones, and that none of the consignments of the value of which is now claimed by plaintiffs, has been received in the Executive Engineer's office, Mangalore. The suit may therefore proceed in the usual course, as suggested by the Chief Engineer.

The letter of 7/9/37 from the plaintiffs may be replied to accordingly.

BKR 6-11-37

(Gen. Secy)

Sd/- 16/11/37

BKR 16.11.37

Sd/- Member

Sd/- 19/11/37

Sd/- 19/11

BKR 19.11

(115)

RECEIPT OF THE SECOND MEMBER OF COUNCIL. 7 NOV. 1937 NO 3758

GENERAL SECRETARY. 6 NOV. 1937 2529

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-2-37

34

O. S. 10/36-37 H Ct Mysore

(Messrs B. V. Narayanaswamy & Co Vs Govt)

2973 V4992 F5129

File No. Law 127 of 1935.	General and Revenue Secretariat

116) Draft endorsement is submitted for approval

23/11

117) Done BKR 24.11

Endorsement No. 2740, dt 25-11-37

RECEIVING 24 NOV GENL

Sec C
25-11-37

From

The ppr. Impose Dr.

Letter No. 1226 dt. 2-3-38.

furnishes a brief history of the suit-claim and also the nature of the plea so far advanced on behalf of Govt and solicits instructions in regard to the oral & documentary evidence to substantiate the defence

118) - The ppr has enumerated the heads of evidences proposed to be let in in the line of defence so far taken and has enclosed a list of witnesses proposed to be summoned for appl and requests the advance of a sum of Rs 100/- for meeting the expenses in this connection.

For evidence
10-3-38

3/3/38

O.S.10/36-37 on the file of the Dt. Court Impose
(Messrs B.V. Narayanaswamy & Co vs Govt)

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

119) Please put up a draft G.O. regarding the advance amount required by the P.W.D.

BXR 3-3

Next date of hearing 10-3-38

120) A draft G.O. is put-up as per order.

4/3/38

121) P.W.D.s. for perusal. An advance of Rs 100/- may be sanctioned as required.

122) Draft G.O. is for approval

BXR 4.3.38

Gen. Secy) Yes 4/3

123) Done now

BXR 5.3

GENERAL SECRETARY. 4 MAR. 1938 501

22 To the Chief Engineer
" P.W.D. Impose
" Compte

Nop. 5034-6 dt 5-3-38

Sanctions the grant of an advance of Rs 100/- to the P.W.D.

124) For instructions as to whether a separate letter regarding the points raised in paras 3, 3(a) & 4 of the P.W.D. by the P.W.D. has to be put-up, in the affirmative. 125) If not necessary No instructions are needed

BXR 5-3-38

5/3/38

NOTE—Contn Sheet. WD 03594—GPB—30,000—13-7-35

Sec-C 7/3/38

86

O S. 10/36-37 of ct Mysore
(Messrs B.V. Narayanaswamy & Co. vs Govt)

Laws File No. 127 of 1935. General and Revenue Secretariat

From

Messrs B.V. Narayanaswamy & Co.
Cement Suppliers
Arcot Srinivasachar's Street.
Bangalore.

Petition dated Nil

Prays, in the circumstances pointed out therein, that the case against them may be settled out of Court

(126) Messrs B.V. Narayanaswamy and Co. (Plaintiffs) have submitted a representation praying that the suit may be settled out of Court They have not made any specific proposals for Consideration.

(127) Once before they had put in a similar representation which was referred to the Chief Engineer for remarks, who was not in favour of the proposal, and an endorsement (Flag B) was issued to the party. (Vide paras 106 to 115 supra).

(128) No new ground is urged in the present petition. It is for Consideration and orders.

C. S. 10/36-37 of Govt of Mysore 1713
(D. V. Narayanaswamy & Co. vs Govt.)

General and Revenue Secretariat | File No. 127 of 1935. | [App. F. III—2

COMPTROLLER'S OFFICE 15 SEP 1938 BANGALORE.

Serial No.

Hq. date 19-9-38.

Whether the Chief Engineer has again to be consulted him officially in the matter.

129) If approved, the petition will be sent officially sent to the Chief Engineer for favour of remarks.

BKR 13-9

Asst Secy)

130) The main question will be whether any of the consignments in suit was received by the Ex. Engineer. The auditors' report may be got & examined

Ce 14/9

L.O. No. P 15/38 dated 14/9/38.

131) Forwarded, with compliments, to the Comptroller, for favour of putting up Mr V-T-Srinivasan's report in the matter of cement defalcation at Manoja.

BK Ramakrishnayya
Jr Asst Secy

W.A.W.II

COMPTROLLER'S OFFICE 16 SEP 1938 201/Spl BANGALORE

No Dues 14-9-38

16/9

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

38

O.S. 10/36-37 Dt. of 17/3 Mysore
(B.V. Narayanaswamy & Co v Govt)

File No. 187/8pl Dt 16-9-38. of 193

General and Revenue Secretariat

U.O.No. 308/E.S. dated 16th September 1938.

Returned with compliments.

132) 2. A copy of Mr.V.T.Srinivasan's Special Audit Report in two parts was previously sent to Government. The only copy now available in my office is, however, forwarded herewith for ready reference and kind return to me very early.

M. Viraraghavachar
Comptroller.

16/9/38

BKR 19.6

MSR

133) Received instructions from the Asst Secy: Please write a D.O. to the C.P. to meet the Asst Secy in his camp at Mysore on Tuesday or Wednesday morning between 8 and 10 A.M.

BKR 22.6

134) Draft and fair D.O. for orders.

26/9

135) Done & submitted

BKR 26.9

Dated D.O. No. 1, Dt 26-9-38.

136) Submitted after issue.

26/9

Serial No.

137) Messrs B.V. Narayanaswami & Co. have sued the Government of Mysore and the Executive Engineers, Irwin Canal Division, Mandya, for Rs.8,009-4-0 and interest thereon being the value of cement supplied to the division. The suit is pending in the District Court, Mysore. One or two witnesses have been examined. The plaintiff firm have petitioned the Government praying for a compromise and have stated that they are willing to accept a reasonable settlement.

138) Some of the items supplied by the firm ~~have been~~ were the subject of criminal cases in what are known as 'The Mandya Cement Cases' in which Store Keeper, R. Krishna Rao, has been convicted and he has been serving the sentences.

139) The plaintiff firm have supplied cement to this division from July 1932 till July 1934. During this period they have made 24 items of supply amounting to about 366 tons (7,320 bags). They have received payment for all except 5 items amounting to about 2,300 bags, the value of which is claimed now, i.e., Rs8009-4-0.

140) The supplies in dispute are alleged to have been made in respect of three indents. The defence is that these three indents were not genuine ones, but were forged by the Store Keeper Krishna Rao, that the cement alleged to have been supplied was not received in the

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

the Stores of the division but was fraudulently taken away by the Store Keeper and that the defendants are not liable. I have carefully gone through the records, the judgments in the criminal cases and the Auditor's report. The Public Prosecutor of Mysore who is conducting the suit on behalf of Government has sent me a note explaining the details. I have also had a discussion with him regarding the nature of the evidence that the defence can put up.

141) There are certain points in favour of the plaintiff firm. There have been certain irregularities and non-observance of standing orders and rules in the Irwin Canal Division which have been taken advantage of by the Store Keeper for perpetrating these frauds. The Auditor has referred to these several irregularities in his report and has observed that the misappropriation was solely due to the non-observance of certain existing fundamental rules by the responsible disbursing officers and to their failure to ensure that the clerical staff working under them discharged their routine duties satisfactorily. The Assistant Sessions Judge has also remarked that ' the utter disregard of Office procedure in respect of papers prepared by the accused for placing orders for cement and the general slackness in supervision though the D.P.W. Account Code makes the Executive Engineer personally responsible for the stores, made it possible for the accused to perpetrate a systematic fraud by placing

Serial No.

placing orders for cement whenever he liked and to misappropriate large quantities thereof'.

(42) It is a fact that the plaintiff firm despatched by railway the quantities of cement in dispute and sent the railway receipts to the address of the Executive Engineer, as is evidenced by the railway receipts themselves. There is no reason to doubt their bona fides. They have also been victims of the fraud of the Store Keeper. It is not at all probable that the plaintiff firm ~~was~~ were in conspiracy with the Store Keeper since they could have had no motive or anything to gain thereby as they had made the full supplies of cement. It does not appear possible, however, to adduce evidence for the defence throwing doubt on the honesty of the plaintiff firm or to impute negligence to them.

(43) The method of the Store Keeper in forging some of these indents was this: he used to obtain the signature of the Executive Engineer to genuine letters going to the plaintiff firm intimating them of the payment of some bills, etc. After obtaining the signature he was surreptitiously introducing a sentence between the genuine portion of the letter and the signature requesting the plaintiff firm to supply certain quantities of cement. When these letters were received by the plaintiff firm, they naturally had no reason

WD 0284—GPB—30,000—13-8-37

reason to suspect them as they bore the signatures of the Executive Engineer. There was no particular form adopted for indents in this division and the plaintiff firm were honouring the indents made in such letters and the supplies made on them were being accepted and paid by the department. In these circumstances, it could not be said that they were negligent in honouring the indents in dispute.

(144) If the indents are proved to be forged, the legal position is that the plaintiff's claim for executing the orders on the forged indents cannot stand unless it is proved that the goods have reached the consignee either actually or constructively. Though the indents may be forged, if the goods have actually been received in the stores of the department, the plaintiff firm will have to be paid. They have sent the railway receipts for these supplies by post to the Executive Engineer. If the Executive Engineer has allowed these railway receipts to fall into the hands of the Store Keeper either by trusting him or by negligence in the office procedure and enabled him to misappropriate the goods after taking them from the railway on the basis of these receipts, the department would have received the goods constructively and would be liable for their value.

(145) All the three indents in dispute are, according to the departmental officers, forged indents. Only

Serial No.

Only one of them, namely No. 1039 of 11-12-1933, was the subject of a ~~sessions~~ criminal case. The case in regard to the offence of forgery had a curious course in the courts. The First Assistant Sessions Judge who tried the case acquitted the accused of the offence of forgery but convicted him of criminal breach of trust. This order was set aside by the appellate court on the ground of misjoinder and a retrial was ordered. The Second Assistant Sessions Judge in his order came to the conclusion that the evidence indicated an offence of forgery. But he was of opinion that he could not convict the accused of forgery on the ground of autrofois acquit (previous acquittal) and consequently acquitted him of forgery but convicted him of criminal breach of trust. The practical result is that the accused has not been convicted of forgery in respect of this indent.

(46) The plaintiff firm have sent cement in four instalments in respect of this indent. Three of those supplies, namely, those made on 20-12-1933, 27-1-34 and 13-2-34 have been received by the Executive Engineer and payments made. It is only the fourth instalment of supply of 17th March 1934 that is disputed and payment has not been made therefor. It is stated to have been misappropriated by the Store Keeper. It

WD 0284—GPB—30,000—13-8-37

It is rather curious that three of the supplies made on an indent alleged to have been forged have been accepted and paid for. This conduct on the part of the department in accepting the supplies would indicate that the indent was a genuine one and the plaintiff firm would have no reason to suspect the indent. There is nothing unnatural in making the balance of the supply of 200 bags on that indent on 17-3-34. The railway receipts for all the four instalments of supply on this indent were sent addressed to the Executive Engineer. The first three instalments of supply have been paid for and it follows therefore that the railway receipts must have been duly received. The presumption is that the receipt for the fourth instalment of supply also has been received but has been allowed to be handled by the Store Keeper as usual and he has been enabled thereby to misappropriate the goods. If the Court finds that it is due to the negligence on the part of the Executive Engineer that this receipt was allowed to fall into the hands of the Store Keeper who has misused it, it will hold the Executive Engineer liable for the value of the goods.

147) The other two indents in dispute are Nos.566 dated 30-9-1933 and 193 dated 25-7-34 respectively. These were not the subject-matter of the criminal cases. Though the Executive Engineer alleged that these indents

Serial No.

indents were forged ones, it will have to be proved in the Court that they are forged ones. The proof will consist in comparing the indent with the drafts in the office. The plaintiff would contend that much reliance cannot be placed on the drafts, and there will be the evidence of the Executive Engineer who has signed the indents. His evidence may be considered interested as being self-exculpatory.

148 The indent of 30-9-1933 was complied with by despatching cement in four instalments of 200 bags each. The railway receipts were all addressed to the Executive Engineer. The Store Keeper has taken all these receipt and has endorsed them with his own signature as being for the Executive Engineer and got delivery of the goods from the railway. The goods have been misappropriated by the Store Keeper. He sent them to Mysore to his several receivers who were in league with him. The railway authorities in Mandya ought not to have delivere the goods to him without the endorsement of the Executive Engineer. Possibly, it was the usual routine for the Store Keeper to endorse the receipts for the Executive Engineer and take delivery of goods. Even otherwise if there had been negligence on the part of th railway authorities at Mandya, the liability would still attach to the Government for mis-delivery as it is the

WD 0284—GPB—30,000—13-8-37

State Railway. It is probable that the railway official concerned was in conspiracy with the Store Keeper.

(149) In respect of the third indent in dispute, three waggons of cement were despatched from Shahabad on behalf of the plaintiff firm. The three railway receipts together with the advance of freight amounting to about Rs.1377-11-0 were sent by the plaintiff to the Executive Engineer by insured post. These also were allowed to fall into the hands of the Store Keeper. He has endorsed these railway receipts for the Executive Engineer and taken delivery of the cement. He has despatched them to Mysore to several of his receivers.

(150) When a letter is posted, the presumption in law is that it has reached the addressee in the usual course. In the present case, not only ~~receipts of~~ letters addressed to the Executive Engineer but registered and insured letters addressed to him have gone into the hands of the Store Keeper. The ordinary presumption is that they have been received by the Executive Engineer and he has given them to the Store Keeper. It is also possible that the procedure in his office was to allow the Store Keeper to handle all letters addressed to the Executive Engineer as a matter of routine and then place them before him for orders. If there had not been some such routine, it is impossible to conceive how the Store

Serial No.

Store Keeper could have picked up only the letters concerning the indents in dispute or the correspondence concerning the indents in dispute and suppress them.

(51) It will be seen that the supplies in the first indent in dispute were made in October and November 1933 The discovery of the fraud was sometime in August 1934. Subsequent to November 1933 there have been genuine orders executed and the plaintiff firm have received payments therefor. The bills for the supplies on the first indent in dispute remained unpaid though they were sent through the Mysore Bank and the plaintiff firm were sending reminders. Still for nearly 9 months, the officers concerned did not open their eyes to the fraud or make enquiries as to why these bills remained unpaid. It would be stated on behalf of the defence that the reminders never came to the notice of the Executive Engineer but were suppressed by the Store Keeper. Unless the Store Keeper had been allowed by the Executive Engineer to handle all the correspondence, it would not have been possible for him to pick out for suppression only the particular letters relating to the supply on this indent. If the fundamental rule that the Executive Engineer should himself open all letters addressed to him had been observed, this would not have happened.

NOTE—Contn. Sheet.

(52) Besides the irregularity in regard to the handling

handling of correspondence, other irregularities in the office have been observed by the Auditor and by the Assistant Sessions Judge. Consequently, it cannot be said that the defence would succeed fully in the Court.

153) Considering all these circumstances, that the forgeries in the indents were interpolations made by an official of the Executive Engineer's office in genuine letters, which consequently passed unsuspected by the plaintiff firm, that the plaintiff firm did actually supply cement of the value which they have claimed, that there were irregularities in the ordinary procedure in the Executive Engineer's office which enabled the Store Keeper to perpetrate this fraud, the plaintiff's case would deserve some consideration.

154) The plaintiff firm state that they have been supplying cement to the Government departments for over 12 years and are still supplying cement. They pray for a settlement of their claim out of court and state that they are willing to accept a reasonable settlement by the Government. It may be possible to settle the matter by compromise for less than half the suit claim with no liability for costs.

155) Government cannot be put to any loss on account

O. S. 10/36-37 dt 19th Mysore
(B. V. Narayanaswamy & Co 2D Govt.)

(49)

Serial No.

account of the negligence of the officers in the Irwin Canal Division. Whatever amount is decreed by the Court it will have to be made good by the officers and officials responsible for allowing this misappropriation by an official under them by neglect of rules and proper check. By a compromise of the suit, the liability of these officers will be reduced to some extent.

156) If approved, the Public Prosecutor will be asked to inquire of the plaintiff firm what their terms of compromise will be with reference to the petition made by them to the Government.

Hg. date 14-11-35

1st Member)

9/11/35

4626 10/11.

157) Please bring up 10.11.35

(The petn was recd 2 months ago
If the hearing date is on 14th, the file Sd have been submd to me well in advance & consid instead of sending it late with an immediate slip.)

S/07 10/11

158) After a careful consid of the case & after an informal

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

57 O.S 10/36-37 Dt. Ct. Mysore
(B. V. Narayanaswamy & Co Vs Govt.)

File No. Laws 127 of 1935.

General and Revenue Secretariat

Cabt in Council, Govt decided that The claim sd be resisted (Vide my minute dy 19-9-35 in file No Laws 198-34) In the present petn no new grounds have been urged

159) The Addl Secy's note goes into the counts of details of the case now before the Court. It is not possible for me to go into them, especially as the Court is now help the case The PWD Secy is strongly against any compromise In the circumstances the best course seems to be to allow the matter to be decided by the Court. There are no obvious reasons for coming to a compromise

JSN
12/11/38

e 12/11/38
BKR
12.11

160) Please issue the draft as proposed & submit

BKR
12.11

To
The P. A.
Mysore
D.O. No P 2379, dy 12-11-38

O.S. 10/36-37 Dt. of Mysore (B.V. Narayanaswamy & Co Vs Govt.)

neral and Revenue Secretariat | File No. Laws 127 of 1935 | [App. F. III—2

Serial No.

161) Along with his note, the P.Pr, Mysore had sent some documents for reference (Vide Flag A.). These were not sent along with the D.O. issued recently. A draft D.O. forwarding them is put up for approval.

Flag B

162) A copy of Mr. V.T. Sreenivasan's Special audit report ~~had~~ received from the Comptroller ~~has to~~ (See para 132) ~~be returned~~ may be returned. A draft D.O. returning it is put up for approval or orders.

Issued to the P.P. Mysore No P 2399, dt 14-11-38.

14/11

163) Issue

164) Please put up a draft endorsement to the petitioner

BKR 14.11

Issued to the Comptr D.O. No P 2398, dt 14/11/38

165) A draft endorsement is put up.

14/11

166) For perusal before issue

BKR 14.11

Addl Secy)

167) 14/11/38

168) Issue

BKR 14.11

Flag C 27-2-39

To

Messrs B.V. Narayanaswamy & Co.

Bangalore

Endorsement No P 2397, dt 14-11-38

Informs that the Govt consider that the suit should be decided by the Court.

NOTE—Contn. Sheet.

14/11/38

(B. V. Narayanaswamy & Co. 5/82/P
v
Govt.)

(5)

Public Works Department
Central Office

File No. [illegible] of 193

Serial No.

Subject:- File of papers relating to the Civil Suit by Messrs. B.V. Narainswamy & Co, against Chief Secretary to Govt. & others in Connection with the Supply of Cement

---

1) The file relating to the above may kindly be sent perused by the Chief Engineer

D. V. Venkatarama
Asst. Secy to Govt. 3.3.39
K.R.S. Canal Dept.

3/3/39.

2) Please put up the file

BKR
4.3.39

(P.R) Collection placed with Law 127-35:-
(Law 190-34 Pt/1-4)

3) Law 127/35 Taken by me.

A. Ramanatha Iyer Clerk KRS Cadt
4/3/39.

It is more than two months since the above file was taken by the K.R.S. Secty: The same has not been returned to the branch till now.

K.R.S. Secty: may be requested to return the file at an early date

Subs

12/5

BKR
12.5

Asst Secy
K.R.S. Secty
we

Note.—Contn. Sheet.

WD 01259—GPB—5,000—19-12-34

54

The file is hereunto returned

Assistant Secy
Law Scott WC

12/5/39

12/5/39

O.S. 10/36-37 Dt. Ch, Mysore (115
(B.V. Narayanaswamy & Co. & Govt. & Others)

General and Revenue Secretariat | File No. (27) of 1937. [App. F. III–2

Serial No.

From

Mr. C.T. Narasimha Iyengar.
Retd Executive Engineer.
Blore

Letter dated 12-5-39

Requests in the circumstances stated, permission of Govt. to engage the services of Messrs Nittoor Srinivasa Rao and K.R. Gopi Vallabha Iyengar, Advocates for providing adequate assistance to the P.P. Mysore who is representing the defendants in the Case.

Mr. M.S. Sheriff
Advocate
Blore

Petition dated 5-5-1939

Submitted to the Dewan on behalf of Messrs B.V. Narayanaswamy and another. praying for permission to Compromise the ~~Case~~ above Suit filed by them

169) The Request of Mr. Narasimha Iyengar in P.V.D.I is for orders.

170) Copy of Dewan's orders on the petition
" I knew nothing about this and am not going to be bothered about it here. Let the Case take its course"
ms) M.I.
10/5/39

NOTE—Contn. Sheet.

56
625 | 6967 | 7002 O.S. 10/36-37 Dt Ct, Mysore
(B. V. Narayanaswamy & Co v Govt)

File No. 127 of 1935. | General and Revenue Secretariat.

Serial No.	
	171) Subsequently the petition is directed to be sent to the Ch: Secy: for disposal who has ~~sup~~ referred it to the Laws Secy:
	172) The petition P.V.D.II is for perusal. This petition is practically the same as the one previously submitted by the party which has been discussed in paras 129 to 159 of the notes supra.
	173) The pcln request of the petitioners to have the matter settled out of Court is for orders.
	Petition dated 5.5.39, addressed to the Govt, on behalf of B.V.N narayanaswamy & Co. Hr Member's orders on the petition 'Laws Secretn for a note.' Sd/- N.M. 15.5
	Hq. date 23-5-39
15/5	174) This is a petition filed by Messrs B.V. Narayanaswamy & Co, plaintiffs in O.S. 10 of 36-37, praying that the suit may be settled out of Court.
	175) On September 1938, the firm had addressed a similar petition to the Dewan (See flag C) and in that connection an exhaustive note was put up by the Additional Secretary. Kind reference is invited to paragraphs 137 to 159 Supra.
	176) Reference is also invited

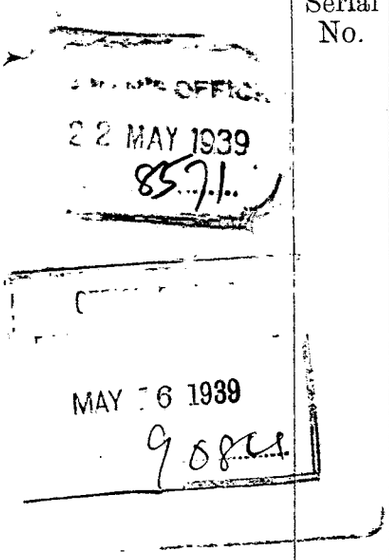
O. S. 10/36-37 Dt. ch. Registrar
(B. V. Narayanaswamy & Co. v Govt)

(87)

General and Revenue Secretariat

Law File No. 127 of 1935 [App. F. III—2

Serial No.



to the discussions in the Law File 190-34, placed below.

BKR 16.5.39

Asst Secy)

177) on a similar petition filed by the party previously, it was ordered that the best course was to allow the matter to be decided by the Court (vide 1st Member's minute at para 159) on 12/11/38. There are no fresh grounds in this petition for reconsideration.

CL 16/5/39

1st Member)

BKR 16.5

178) Nil 18/5/39.

CL 19/5

Dewan)

BKR 19.5

179) Nil 22-5-39

BKR 23.5

180) Refer para 169 supra.

On Mr. Narasimha Iyengar's request in P. No. 1 the case has not been passed. Sub

23/5

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

O. S. 10/36-37 Dt. Ch. Mysore 20/V/29.
6967
(B V. Narayanaswamy & Co vs Govt)

Law File No. 127 of 1935

General and Revenue Secretariat

181) At present the P.Pr. Pleader is appearing for all the defendants viz the Govt and the two executive Engineers Mr C T. Narasimha Iyengar is anxious to safeguard his own interests and wants permission to engage Messrs. N. Ittur Srinivasa and Gopi Vallabha Iyengar to assist the P.Pr. Permission required by may be granted subject to the condition that the Advocates engaged by Mr C.T. Narasimha Iyengar shall work under the P.Pr and in accordance with his directions and that they shall not work against any of the interests of Govt.

182) I presume he will meet the cost & will not come up for a letter on such a request to meet the cost or any portion of it.

BKR 24.5

Gen Secy

1st member)

24/5

BKR 24/5

25/5/39

25/5

GENERAL SECRETARY. 24 MAY 1939 5090

OFFICE OF THE ... COUNCIL MAY 24 1939 9317

182) Two drafts ① Endorsement to B.V.N. & Co and ② letter to Mr C.T. Narasimhaiyangar are put up for approval.

Kg. date 30-5-29

26/5

Endorsement No P Camp 2 dt 28-5-29 (Copy to P.Pr, Mysore)

Letter to Mr. C.T. Narasimha Iyengar No P Camp 2 dt 28-5-29 (Copy to P.Pr, Mysore)

Gen C 30-5-29

TYPING SECTION 27 MAY 1939 GEN. & REV. SECTT.

7821/649. ~~4526/5267~~

O.S. no. 10 of 36-37 (B.V.N. & Co Vs Chief Secretary & others) before the District Judge Mysore

General and Revenue Secretariat | File No. | of 193 | [App. F. III-2

From No 169 / The Public Prosecutor Mysore Dist. Mysore

SECY. LAW DEPT. 25 JULY 1940 GOVT OF MYSORE

Office of the Public Prosecutor Mysore Dist. Mysore

649/40 Dated 25 JUL 1940.

MYSORE 25 JUL 1940

To The Secretary to the Govt. of Mysore Law Department, Bangalore

Subject O.S. 10/36.37 (B.V.N. & Co Vs. Chief Secretary and 2 Others) before the District Judge, Mysore

Sir, I have the honour to report that the 2nd. defendant Mr. N. Subba Rao had to be cross-examined from yesterday. But Mr. Subba Rao seems to have approached the plaintiff for a settlement out of Court with the permission of Government. His proposal seems to be that he and the 3rd. defendant should enter into a compromise with the plaintiff and then report the matter to Government. After obtaining the permission of Government, the plaintiff should report full satisfaction of his claim to Court. Mr. Subba Rao says that in the event of the plaintiff agreeing to a compromise, he and the

183 Submitted for perusal. La Secretary 3 26/7/40

Hm 2 27/7/40

3 27/7

1073 27/7

NOTE—Contn. Sheet.

File No. of 193 | General and Revenue Secretariat.

Serial No.

3892/40

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

Mysore, Dated 23.12. 1946.

No. 1174

SECY. LAW DEPT. From 1940

To THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: O.S. 60/38-39 (Messrs P.V. Narayanaswamy Iyer & Co. vs Chief Secretary & others) on the file of the District Judge Mysore

SIR,

I have the honour to report that the above-noted case ~~has been adjourned to~~ judgment was pronounced today and the suit was dismissed each party bearing his own cost. Copies of judgment & decree will be submitted in due course.

Submitted for perusal.
(G.M.) The receipt of the copies of judgment & decree will be awaited
Clerk 9/1
9/1/41

I have the honour to be,
Sir,
Your most obedient Servant,

P Subbaraya Iyer

Public Prosecutor, Mysore District.

3892 ∫ 4663

6 S no 10 of 36-37 on the file of the District Judge Mysore (B V Narayanswamy ~~&c~~ ~~&c~~ ~~Govt~~)

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

Letter no 1447 / dated 4th February 1941 from the public prosecutor Mysore district submitting for perusal certified copies of Judgment, decree, lists of documents and depositions and a statement of account of receipts and expenditure.

185 The suit filed against Govt is dismissed But each party has been ordered to bear their own costs.

186 Submitted for perusal and orders.

Steno 11/2 HHV

Ag Secretary) 3 11/2/41

I Member) Hm 12/2/41.

3/2/41

187)

Hm 14/2/41

Hm 17/2.

3 17/2

FEB 12 1941 8108

Advocate's fee allowed to the defendant's Advocate Rs 336-12-9

C

B

NOTE—Contn. Sheet.

4320 P 38.

D. O. 90

C. T. NARASIMHA IYENGAR, ESQ., L.C.E.,
EXECUTIVE ENGINEER.

OFFICE OF THE EXECUTIVE ENGINEER,
IRWIN CANAL DIVISION.

Mandya, Dated.....12/1/1936 193

Dear Sir,

As I am laid up with severe attack of cold and fever from the night of the 10th instant, I am sorry I was not able to go over to office and see you as kindly instructed by you. Even now I am down with fever and I beg to be excused for my not going over to see you.

With regards,

Yours sincerely,

C. T. Narasimha Iyengar
12.1.36.

M. Venkatesiengar, Esq., M.A.,
General Secretary to Government,
Bangalore.

Received
12.1.36

4313 p 335

D. O. No. 89

C. T. NARASIMHA IYENGAR, ESQ., L.C.E.,
EXECUTIVE ENGINEER.

OFFICE OF THE EXECUTIVE ENGINEER,
IRWIN CANAL DIVISION.
Mandya, Dated 12/1/36. *193*

Dear Sir,

As I am laid up with severe attack of cold and fever from the night of the 10th instant I am sorry I was not able to go over to office and see you as kindly instructed by you. Even now I am down with fever, and I beg to be excused for my not going over to see you.

With regards,

Yours sincerely,

C. T. Narasimhaiyengar
12/1/36

CT
keep in mandya current
Sent file
13/1

A. V. Ramanathan, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

since 12-1-
Rec 12-1-36.
Leave papers
13/1

Serial No.

Here are no refs relating to this D.O. Nor the file relating to the Mandy Cement Cr. Case is known at this Secretariat and the file Civil Suit filed by Messrs. Narayanaswamy re. Cement Contracts as ordered by Chief Secy.

Subs for perusal.

(Jersey) 15/1/35

He wished to know whether

GENE... 1 - Jan. 1933 ...PARY

NOTE.—Contn. Sheet.

JSD 18/1 WD 03594—GPB—30,000—18-7-35

4320

File No. of 193 General and Revenue Secretariat

arrangements have been made to defend the suit. I rushed to tell some facts regarding the case

I had him come to the office where I could ascertain if any steps had been made to defend. The facts I had him and he stated the lawyer

Steps have been made. I suppose that the Collector will get instructions from this & other Dept'l Officers. Please advise how I am to deal with this charge / the case & what the facts regarding be stated by him

16/1/36

Draft
pnl
16/1

Subj: vide a dft D.O. accordingly

16/1

Gen Secy) pnl.
16/1

pnl
17/1/36

Issue
pnl
17/1

Issued no. P. 4739 d 21.1.36

GENERAL BRCH.
17 JAN 1936
546

SECTION,
20 JAN 1936
REV. SECTT.

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P 4739

Bangalore, Dated, 20th January 1936
21

Dear Sir,

In acknowledging the receipt of your D.O. of the 12th instant, I write to say that the Public Prosecutor, Bangalore has been instructed to defend the Civil Suit filed by Messrs. Narayanaswami & Co., Cement Contractors and that the facts which you wished to bring to notice may all be stated to him.

Yours sincerely,

C.T.Narasimha Iyengar, Esq., L.C.E.,
Executive Engineer,
Irwin Canal,
Mandya.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 21-1-36

Signed by Mr. M. Venkatesiengar

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P4739

To

Dear Sir,

In acknowledging the receipt of your D.O. of the 12th inst., I write to say that the Govt. have been instructed to defend the Civil Suit filed by Messrs. Narayanaswami & Co, Lawyer Counsels, and that the case which you wish to bring note of the facts of the case will be placed before him.

Yours Sincerely

16/1

To,

C. Narasimha Iyengar Esq. L.C.E.

Ex. Engr.

Irwin Canal

Mandya

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. of 1935-36.

Messrs. B.V.Narayanaswami & co.,
Cement Suppliers, 42, Arcot
Srinivasachar Street, Bangalore
City - by Proprietors.,
B.V.Narayanaswami and K.R.Srinivasan. ... Plaintiffs.

c/o Mr.M.Krishnamurthi,
Advocate, Cottonpet,
Bangalore City.

-Vs-

1.The Government of Mysore
by the Chief Secretary,
Bangalore.
2.Mr.N.Subba Rao, Executive
Engineer, Kolar Division,
Kolar.
3.Mr.C.T.Narasimha Iyengar
Executive Engineer, Irwin
Cannal Division, Mandya. ... Defendants.

Under Order VII Rule 1, of the Code of Civil Procedure.

1. For purposees of services of court notices etc., plaintiffs address is given above.

2. Plaintiffs are a Firm of Contractors doing business chiefly in cement.

3. The Government of Mysore Defendant No.1 abovenamed acting through the Secretary, Stores Purchase Committee, Bangalo placed an order with plaintiffs for the supply of about 250 tons of "Char Minar" Brand Cement during 1933-34 on requisitions made by certain specified Government Officers. Amongst the Officers so specified are the Executive Engineers of all Divisions. The said Government Order bears Local Indent No.2475 dated 3rd August 1933 on the files of the Office of the Secretar Stores Purchase Committee.

4. In pursuance of the said Order, Plaintiffs supplied cement from time to time as per indents placed with plaintiffs by the Executive Engineer, Cannal and Project Division, Mandya, through Railway Consignments, the relative papers and documents

thereof

thereof being addressed to the said Executive Engineer.

5. According to the terms of the said Government Order Plaintiffs have to send the Bills of costs for supplies made to the indenting officers and the officers concerned are to arrange payments therefor. In the course of their dealings plaintiffs have almost invariably presented their bills of costs for collection through the Bank of Mysore, Ltd., Bangalore

6. Up till 30-7-34, Fourteen indents have been received by plaintiffs for supply of cement from the Executive Engineer, Mandya and every one of the indents has been duly complied with A full statement of account relating to the said indents, with detailed particulars regarding each of them has been sent to Defendant No.3 abovemamed in response to his office requisition No.721 dated 28.9.1934. In the matter of three of the said 14 indents, payments due to plaintiffs have been with-held though supplies have been made by plaintiffs in accordance with the indents and the bills of costs therefor have been sent in due course through the Bank of Mysore Ltd., Bangalore. The required particulars relating to the said three Indents are given in schedule "A" hereunder in a classified form for purposes of references and easy verification. The present suit claim relates to the said three indents.

7. The balances of amounts due on the bills relating to the said three indents is Rupees 8009-4-0 only exclusive of interest. Defendant No.1, is liable to plaintiffs for the said amount. In reply to plaintiff's letter addressed to the Secretary, Stores Purchase Committee regarding the non-receipt of the amounts due on the said three indents, the Committee have expressed their inability to interfere in the matter on

the allegation that the Executive Engineer says that the goods were not indented for or redeived by him. The Executive Engineer said allegation being demonstrably untrue and inaccurate as per the written indents under the very signatures of defendants Nos. 2 and 3 the successive Executive Engineers, Mandya plaintiffs h have been obliged to make defendants Nos. 2 and 3 also parties to the present proceedings.

8. Of the said three Indents, Indents Nos.565/30-9-33 and 1039/11-11-33 have been placed with plaintiffs by defendant No. 2 and Indent No.193/25-7-34 by defendant No.3.

(i) Indent No.566 is for 40 tons of cement. According to the indent, plaintiffs have supplied all the 40 tons in lots of 200 bags. Plaintiffs have presented 4 bills of Rupees.730/- each through the Bank of Mysore Ltd., for the 40 tons supplied. The amount of Rs.2920/- due on these four bills has not yet been paid, though the bills were sent during October and November 1933.

(ii) Indent No.1039 was for 60 tons by defendant No.2. 52 tons have been supplied by plaintiffs as directed by the indent. 4 bills were sent for the moneys due thereon. Three of them have been honoured by defendants Nos.1 and 2 by payments through Bank. One Bill for Rs.730 has not yet been honoured, though the bill was sent on 17.3.1934.

(iii) Indent No.193 was for three waggons of cement by defendant No.3. All the waggons of cement have been supplied as requisitioned. A sum of Rs.4359-4-0 only is due for the supplies made. The bill therefor was presented on 30.7.1934. The amount has not been paid.

There is thus a sum of Rupees 3650/- due to plaintiffs on the two indents placed by defendants Nos.2 and a sum of Rs.4359-4-0 on the one Indent placed by defendant No.3 the total sum due being Rs.8009-4-0 exclusive of interest.

9. Plaintiffs state that moneys justly due to plaintiffs for goods actually supplied to defendants as set out above have been withheld on untenable grounds. Defendants are liable to pay interest on the unpaid amounts at one per cent per mensem according to the trade usage. The interest that becomes due is Rs.1330/- in round figures untill date of suit as per statement of account

accounts given hereunder in Schedule "B". The suit amount not having been paid, inspite of plaintiffs earnest attempts to avoid unpleasantness in the matter, they are obliged to seek the help of law against defendants.

10. Plaintiffs have notified to defendants of the suit claim as required under section 80 of Civil Procedure Code All the requirements of law have been complied with, in the matter of two months' notice to defendants. To plaintiffs' notice dated 10th May 1935 through their Lawyers, defendant No. 1 sent a reply on 5.8.1935 stating that the matter was receiving attention and the decision of Government would be communicated in due course. More than 2½ months thereafter, defendant No.1 was pleased to send another reply on 24.10.1935 revoltingly contrary to actual facts, while defendants Nos.2 and 3 have not till now sent any reply at all. The supplies having been made in response to written orders of defendants Nos.2 and 3 plaintiffs are entitled to look to the said defendants No.2 and 3 individually for the payment of moneys due on their respective orders.

11. The cause of action for the suit amount arose from and subsequent to the several dates of supplies noted in Schedule "A" hereunder made by plaintiffs to defendants in pursuance of 1st defendant's order and in accordance with the Indent orders of defendants Nos.2 and 3 at Bangalore City within the jurisdiction of this Hon'ble Court.

12. For purposes of jurisdiction and court fee the suit is valued at Rs.9340/- only and a court fee of Rs.575-0-0 is paid thereon.

13. Prayer for Judgment:-

Plaintiffs pray for a decree in their favour against defendants in a total sum of nearly Rs. 9340/- only with all court costs, current interest and such other reliefs as -- plaintiffs may be entitled to, in Law and Equity, on facts found in the case.

Plaintiffs beg leave to reserve their right for the recovery of damages from defendant No. 3 abovesaid in separate court proceedings, on account of 3rd defendant's wrongful conduct in having given untrue and misleading information to the Bank of Mysore Ltd., touching the cement supplied and thereby causing loss of business reputation, moneys, etc., plaintiffs.

Almost all the original documents relating to the suit claim have been taken away by the Police authorities for purpose of prosecuting a criminal charge against some officials of the Irwin Canal Division Engineering Department, Mandya, and the said documents will be caused to be produced in the course of the present proceedings.

Bangalore.
Dated 13-12-1935.

Plaintiffs.

Advocate for Plaintiffs.

Verification.

We, B.V. Narayanaswami and K.R. Srinivasan of Plaintiff's Company do hereby declare that what is stated above in paras 1 to 13 is true to the best of our knowledge and belief.

Bangalore.
Dated 13-12-1935.

Plaintiff.

Schedule A.

Indent No. and date.	Quantity ordered.	Date of supply & bill.	Quantity supplied.	Bill amount.	Now Bills sent.	Remarks.
566/30-9-1933.	40 tons	2-10-33	200 bags	730/-	Through Bank of Mysore.	Payment not received.
		16-10-33	200 bags	730/-	-do-	-do-
		31-10-33	200 bags	730/-	-do-	-do-
		25-11-33	200 bags	730/-	-do-	-do-
1039 11-12-33	60 tons 1 waggon of 22/23 tons and the est 200 bags.	20-12-33	1 waggon 22 tons.	1457/8/-	-do-	Payment received.
		27-1-34	200 bags	730/-	-do-	-do-
		13-2-34	200 bags	730/-	-do-	-do-
		17-3-34	200 bags	730/-	-do-	Payment not received.
193 26-7-34	Three waggons	30-7-34	3 Waggons 65 tons & 16 Cwts.	4359-4-0	-do-	-do-

Schedule B.

Date of Bill.	Bill amount.	Interest at 12½% per annum after one month from the date of bills.	Interest amount.	Total amount.
2-10-33	730/-	2-11-33 to 30-11-35	182-8-0	
16-10-33	730/-	16-11-33 to -do-	178-8-0	
31-10-33	730/-	31-11-33 to -do-	175-8-0	
25-11-33	730/-	25-12-33 to -do-	168-8-0	
17--3-34	730/-	17--4-34 to -do-	142-8-0	
30--7-34	4359-4-0	30--8-34 to -do-	654-0-0	
			1501-8-0	
		Less interest received.	176-0-0	
	8009-4-0		1325-8-0	9334-12-0

C O P Y.

General Secretary to Government

~~58~~ 31

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 2438-49—*Law* 64-35-5, *Bangalore, dated,* 10*th October* 1935.

Pleaders or Advocates.

Directs that at the time of instituting or defending a civil suit or other proceeding on behalf of Government the fees due to the —— need not be paid in advance.

READ—

Letter No. 1077/34-35, dated 7th May 1935 from the Public Prosecutor, Bangalore, forwarding a copy of the letter dated 1st May 1935 from the Director of Pubic Instruction asking him to refund the advance of Rs. 115 received as Advocate's fee in the *marginally noted suit and requesting permission of Government to take in advance half the regulation fee in cases in which he is instructed to file suits on behalf of Government.

*O. S. No. 658, of 34-35, on the file of the 1st Munsiff, Bangalore (Government *vs.* Seshamma.)

2. Government Order No. P. 6840-42--Law. 143-34-5, dated 13th June 1935 permitting the Public Prosecutor, Bangalore, as a special case to retain half the fee paid in advance in the above case and directing that separate orders would issue *re* the general permission asked for to take in advance half the regulation fee in all cases in which suits on half of Government are filed.

ORDER NO. P. 2438-94—LAW 64-35-5, DATED 10TH OCTOBER 1935.

In civil cases the fee to be paid under the rules for the conduct of legal affairs of Government is ordinarily the maximum amount assessable by the Court and when a case is conducted by two or even three advocates who may happen to hold the office of the Government Pleader or Advocate, the total fee payable for the case will have to be apportioned between them in accordance with the nature and quantity of work done by each of them. Under these circumstances, Government are not generally in favour of allowing the fees due to the Pleaders or Advocates to be paid in advance at the time of instituting or defending a civil suit or other proceeding on behalf of Government. No change in the rules on this point is therefore necessary. Any practice to the contrary said to be in vogue in the Bangalore Division should cease.

~~H. V. RAMASVAMI,~~
~~*General Secretary to Government.*~~

To—The Heads of Departments.
The Deputy Commissioners of Districts.
The Government Advocate in Mysore.
The Secretaries to Government.
The Comptroller to Government.
The Registrar, High Court of Mysore.
The Public Prosecutors.

S. O

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. G. 13082-13140—G. M. 170-23-2, dated 28th March 1924.

Stores Purchase Committee.

Approves of the rules of procedure and functions of the ——, Bangalore.

READ—

Government Order No. G. 61-120—G. M. 121-23-1, dated 22nd October 1923, appointing a Stores Purchase Committee for the purchase of foreign articles required for all Government Departments of the State.

2. Letter No. S. P. C. 570, dated 4th February 1924, from the Secretary, Stores Purchase Committee, forwarding for approval a set of rules *re* the functions and procedure of the Committee in so for as they relate to the purchase and supply of stores for the several departments of Government.

ORDER No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

The rules, as slightly revised, are approved and printed as an annexure to this order for the guidance of all the officers concerned.

K. MATTHAN,
Chief Secretary to Government.

To—The Secretary, Stores Purchase Committee.
The Heads of Departments.
The Comptroller to Government.
The Secretaries to Government.
The Deputy Commissioners of Districts.

Exd.—P. S. R. N.

No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

GOVERNMENT OF MYSORE.

Stores Purchase Committee.

RULES OF PROCEDURE AND FUNCTIONS OF THE STORES PURCHASE COMMITTEE.

I. INTRODUCTORY.

1. The work of the Stores Purchase Committee begins when a demand for stores is received from an indenting officer or department. The Committee will thereafter proceed to purchase the stores in the manner to be indicated below and arrange for their delivery to the indenting department and obtain a certificate as to their correctness and quality.

II. PROCEDURE PRELIMINARY TO PURCHASE.

(a) *Time and manner of preparation of Indents.*

2. Indents received from the Government Departments may be :—

(i) *Annual Indents, i.e.*, statements showing the demand for various classes of goods usually required by the department for the year. These annual indents which will comprise the bulk of the items required to be purchased by the department each year should be prepared on the basis of the consumption during the previous three or five years and with reference to factors, if any, which justify an increase or decrease compared with the average.

(ii) *Urgent Demands.*—Indents relating to urgent demands which may arise at any time in the course of the year.

3. Annual indents should be prepared by each department and sent to the Stores Purchase Committee before the 1st July each year. These indents should be based upon the sanctioned budget and should be prepared allowing for the carrying over of stock for at least one quarter of the succeeding year.

4. Urgent indents may be sent at any time during the year as need arises, but such indents should, as far as possible, be kept at a minimum.

5. Except in the case of sudden emergency which it may not be possible to foresee, a period of at least three months should invariably be allowed between the date the indent will reach the Stores Purchase Committee and the date on which it is desired that the stores should be delivered to the indenting department.

6. In the case of ordinary articles manufactured by more than one firm and required for ordinary purposes, indenting officers should enter in their indents only the names of the articles they require. There is, however, no objection to their naming in notes explanatory of their requirements, the makes or brands which the supplies should resemble. They should also invariably explain the purposes for which the articles indented for are required and whenever practicable they should state the latitude that may be allowed to the Committee in varying the items.

7. In the case of articles of special character are required for a special purpose which for certain reasons is considered necessary to obtain from a particular maker or of which a particular maker makes a speciality, the name of such maker or firm from whom it is desired to obtain the articles should be given in the indent with reasons therefor.

(*b*) *Sanction for indents and allotment of provision to meet cost.*

8. The responsibility for obtaining competent sanction for the purchase of stores in each case will entirely rest on the indenting officer who will in forwarding the indent to the Stores Purchase Committee clearly specify whether the sanction of Government or other competent authority to the purchase has been accorded to the purchase. He will also be responsible to see that the budget grant equivalent to the cost of purchase as estimated by him will be made available, that the required amounts are set aside for the purpose and are not utilized otherwise.

9. (*a*) Indents for Indian made articles should be prepared and submitted in Form A appended to these rules.

(*b*) Indents for the purchase of foreign articles shall be sent in Form B appended to these rules.

10. Every indent for local or foreign purchases should be accompanied by a programme of supply and an estimate of cost involved.

(*c*) *Treatment of the indents by the Committee.*

11. On receipt of the annual indents from the several departments, the Secretary to the Stores Purchase Committee will proceed to classify the articles and consolidate them into distinct groups, each suitable for a separate contract with a view to placing bulk orders as far as possible.

12. In the case of such articles as cannot be bulked, purchases may be made as separate item, if the Committee considers such action necessary.

13. The Committee may at any time call upon the departments to furnish particulars of purchases made by them directly and without reference to the Committee.

III. Procedure regarding Purchase.

14. The following procedure will be adopted by the Stores Purchase Committee in purchasing the stores:—

Except in the cases enumerated in Rules 26, 27 and 28 below, all purchases shall be made by inviting tenders which may be:—

(1) by advertisement (open tender), or
(2) by invitation to a limited number of firms (limited tender), or
(3) by invitation to one firm only (single tender or private purchase).

15. It will be within the discretion of the Committee to decide which of the above three ways shall be adopted in the case of any particular purchase.

16. For the purpose of inviting limited or single tenders, a register will be maintained by the Secretary under the various heads of supply of well-known firms who are known to be willing and able to execute contracts. A selection of the firm or firms to whom invitation should be sent shall be made from such register. Action shall be taken to maintain full and efficient lists and every encouragement given to firms desirous of having their names registered after ascertaining their ability to execute contracts satisfactorily.

The list of approved firms now maintained in the Financial Secretariat will be transferred to the Stores Purchase Committee who will also deal with applications for registration in future.

17. Competitive tenders shall be invited except in the case of:—

(*a*) Patents and specialities;
(*b*) Comparatively small supplies, where the value of stores to be purchased does not exceed Rs. 2,500;
(*c*) Highly finished work such as surgical and scientific apparatus.

In the case of these, single tenders may be invited from thoroughly reliable firms.

18. As far as possible, arrangements shall be made for calling tenders simultaneously in Europe and India.

19. In the case of competitive tenders, a day and hour will be fixed by which time, the tenders should be received. They shall be opened under the supervision of the President of the Committee. Single tenders may be opened as received. The quotations will then be checked and abstracts of each set of tenders prepared by the Secretary for being placed before the Committee for consideration.

20. After examination by the Committee of the abstracts of tenders received and comparing the price with the indent estimate of cost and after consulting, if need be, the indenting department concerned, the Committee shall decide which tender shall be accepted.

21. When time does not permit of the Committee being consulted in regard to the acceptance of a tender, the President of the Committee shall decide the question in consultation with the head of the indenting department concerned or where even such a course is not possible on his sole authority. All cases in which the President exercises this power shall be placed before the Committee for information at the next meeting.

22. When a tender has been accepted, both the firm whose tender is accepted as also the firms whose tenders are not accepted shall as soon as possible be informed to that effect.

23. When a tender is accepted, the conditions shall be embodied in a formal contract providing for the necessary penal clauses for breach of conditions. Copies of such contracts shall be supplied to the Audit Office and to the indenting department concerned.

24. The Committee may arrange for running contracts in the case of such articles as are in demand throughout the year. Such contracts shall provide for variation in the quantity of supplies up to 50 per cent and for supplies being made periodically at reasonable notice.

25. In purchasing stores, preference shall as far as possible be given firstly, to articles of Mysore production and next to articles produced or manufactured in other parts of India provided that prices and quality compare favourably with articles of similar quality obtainable from outside Mysore or India as the case may be.

26. In the case of all articles to be obtained from abroad, arrangements for their purchase shall generally be made through the Consulting Engineers and Home Agents to Government in London in accordance with the agreement entered into with the firm by the Government.

27. In special cases, however, such orders may be placed directly with the supplying firm or firms.

28. The Committee may, for sufficient reason, purchase imported stores in India instead of obtaining them through the Consulting Engineers in London or obtain them from the manufacturers abroad directly or their branch offices or agents in India.

IV. RULES RE: CORRESPONDENCE WITH CONSULTING ENGINEERS, ETC., BY HEADS OF DEPARTMENTS.

29. Under the Standing Orders of Government, all indents for stores to be purchased abroad, whether their value is within or in excess of the powers of sanction of the indenting officer, as also all indents for articles to be purchased locally when the value of the articles to be so purchased exceeds the limit of value prescribed by the Government should be sent to the Stores Purchase Committee for execution.

30. When information regarding ruling prices of plant, machinery or other equipment is required for the preparation of any estimate or project or when the opinion or advice of the Consulting Engineers as such or other manufacturing firms is required for the preparation of drawings, designs, specifications or selection of equipment in connection with railways, electrical plant or other engineering enterprises, the heads of the technical departments may correspond directly with the Consulting Engineers, or other manufacturing firms.

31. After the estimates or projects have been prepared and sanctioned, all further action in respect of the purchase of stores, etc., shall be taken through the Stores Purchase Committee and all correspondence relating to such purchases shall invariably be conducted only through the Committee.

32. Any information which the departments may secure regarding firms known to be able to supply the stores required by them as also any quotations obtained by them shall be placed at the disposal of the Committee

V. WATCHING OF EXECUTION OF CONTRACTS.

33. The Secretary to the Committee shall watch delivery under each contract until it is completed. If delay occurs or is likely to occur in delivery, the Committee may extend the time if it considers such extension can be permitted. The Committee shall also be competent to decide whether penalties for delay in accordance with the terms of the contract should be enforced or not and also whether the contract should be cancelled and purchase made against the defaulting contractor.

VI. SHIPPING DOCUMENTS.

34. In all cases in which stores are purchased abroad, arrangements shall be made to obtain three sets of shipping documents. One set shall be caused to be forwarded at the earliest possible date to the Receiving Agents to be appointed by the Committee, one set will be caused to be similarly sent to the indenting officer and the third set to the Secretary to the Committee. On receipt of the shipping documents, the indenting officer may issue such instructions as he considers necessary to the Receiving Agents in the matter of the transmission of packages, customs duty to be paid, etc., copies of such correspondence being simultaneously forwarded to the Secretary.

VII. PAYMENT.

35. Invoices (showing the cost of the stores including packing and freight) and bills for the supply of stores shall be obtained in duplicate by the Secretary to the Committee and forwarded to the indenting officer for verification that the stores for which payment

No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

is claimed are satisfactory and correct as to quantities and have been received and taken to stock. One set of the invoice and the bill will be retained by the indenting officer and the other set with the certificate as above will be returned without delay to the Secretary who will forward them to the Comptroller for arranging payment. In cases where payment against shipping documents or by instalments is stipulated in a contract, the Secretary shall watch deliveries until the contract is fully and satisfactorily executed. Every care shall be taken that payment is arranged for only in accordance with the terms of a contract and that no delay occurs in payment involving the payment of interest on such delayed payments.

36. The Committee shall ensure that only the correct rate of customs duty leviable under the law is paid on all imported stores and that claims for refund are preferred in time.

VIII. EXEMPTIONS FROM THE STORES PURCHASE RULES.

37. The Committee may exempt any particular class or classes of stores from the operation of these rules and also fix a financial limit within which purchase of such goods may be made without reference to the Committee.

IX. POWERS OF THE PRESIDENT OF THE COMMITTEE.

38. In cases of emergency where it is not possible to obtain the views of the Committee on any particular question or questions, the President shall be competent to decide such questions and take all such action as he deems necessary on behalf of the Committee.

FORM A.

.....Department. No. and date of sanction.....

Indent for the purchase of Stores for the year 192—.

Description of Articles	Accurate specification	Trade name, if any	Quantity required	Estimated cost	Name of manufacturer	Whether delivery is desired in whole or in periodical instalments	If the article is proposed to be purchased from any particular firm, address of the firm	Remarks

FORM B.

Department.....

No. and date of sanction of estimate by the Government or other competent authority.

Indent for purchases of foreign articles.

Description of Articles	Trade name	Accurate specification	Purpose for which it is required	Name of manufacturer	Quantity desired	If delivery is by instalments		Estimate of anticipated cost	Port or Ry. Stn at which delivery is sought	Designation of consignee	Any other points requiring mention. (Mention here if it is desired that the purchase is required to be made by cable.)
						Quantity desired in each instalment	Date by which each instalment is to be delivered				

W D 1351—GPB—105—3-1-33

S. O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. G. 13082-13140—G. M. 170-23-2, dated 28th March 1924.

Stores Purchase Committee.

Approves of the rules of procedure and functions of the ——, Bangalore.

READ—

Government Order No. G. 61-120—G. M. 121-23-1, dated 22nd October 1923, appointing a Stores Purchase Committee for the purchase of foreign articles required for all Government Departments of the State.

2. Letter No. S. P. C. 570, dated 4th February 1924, from the Secretary, Stores Purchase Committee, forwarding for approval a set of rules *re* the functions and procedure of the Committee in so for as they relate to the purchase and supply of stores for the several departments of Government.

ORDER No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

The rules, as slightly revised, are approved and printed as an annexure to this order for the guidance of all the officers concerned.

K. MATTHAN,
Chief Secretary to Government.

To—The Secretary, Stores Purchase Committee.
The Heads of Departments.
The Comptroller to Government.
The Secretaries to Government.
The Deputy Commissioners of Districts.

Exd.—P. S. R. N.

No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

GOVERNMENT OF MYSORE.

Stores Purchase Committee.

RULES OF PROCEDURE AND FUNCTIONS OF THE STORES PURCHASE COMMITTEE.

I

1. INTRODUCTORY.

1. The work of the Stores Purchase Committee begins when a demand for stores is received from an indenting officer or department. The Committee will thereafter proceed to purchase the stores in the manner to be indicated below and arrange for their delivery to the indenting department and obtain a certificate as to their correctness and quality.

II. PROCEDURE PRELIMINARY TO PURCHASE.

(a) *Time and manner of preparation of Indents.*

2. Indents received from the Government Departments may be :—

(i) *Annual Indents, i.e.*, statements showing the demand for various classes of goods usually required by the department for the year. These annual indents which will comprise the bulk of the items required to be purchased by the department each year should be prepared on the basis of the consumption during the previous three or five years and with reference to factors, if any, which justify an increase or decrease compared with the average.

(ii) *Urgent Demands.*—Indents relating to urgent demands which may arise at any time in the course of the year.

3. Annual indents should be prepared by each department and sent to the Stores Purchase Committee before the 1st July each year. These indents should be based upon the sanctioned budget and should be prepared allowing for the carrying over of stock for at least one quarter of the succeeding year.

4. Urgent indents may be sent at any time during the year as need arises, but such indents should, as far as possible, be kept at a minimum.

5. Except in the case of sudden emergency which it may not be possible to foresee, a period of at least three months should invariably be allowed between the date the indent will reach the Stores Purchase Committee and the date on which it is desired that the stores should be delivered to the indenting department.

6. In the case of ordinary articles manufactured by more than one firm and required for ordinary purposes, indenting officers should enter in their indents only the names of the articles they require. There is, however, no objection to their naming in notes explanatory of their requirements, the makes or brands which the supplies should resemble. They should also invariably explain the purposes for which the articles indented for are required and whenever practicable they should state the latitude that may be allowed to the Committee in varying the items.

7. In the case of articles of special character are required for a special purpose which for certain reasons is considered necessary to obtain from a particular maker or of which a particular maker makes a speciality, the name of such maker or firm from whom it is desired to obtain the articles should be given in the indent with reasons therefor.

(*b*) *Sanction for indents and allotment of provision to meet cost.*

8. The responsibility for obtaining competent sanction for the purchase of stores in each case will entirely rest on the indenting officer who will in forwarding the indent to the Stores Purchase Committee clearly specify whether the sanction of Government or other competent authority to the purchase has been accorded to the purchase. He will also be responsible to see that the budget grant equivalent to the cost of purchase as estimated by him will be made available, that the required amounts are set aside for the purpose and are not utilized otherwise.

9. (*a*) Indents for Indian made articles should be prepared and submitted in Form A appended to these rules.

(*b*) Indents for the purchase of foreign articles shall be sent in Form B appended to these rules.

10. Every indent for local or foreign purchases should be accompanied by a programme of supply and an estimate of cost involved.

(*c*) *Treatment of the indents by the Committee.*

11. On receipt of the annual indents from the several departments, the Secretary to the Stores Purchase Committee will proceed to classify the articles and consolidate them into distinct groups, each suitable for a separate contract with a view to placing bulk orders as far as possible.

12. In the case of such articles as cannot be bulked, purchases may be made as separate item, if the Committee considers such action necessary.

13. The Committee may at any time call upon the departments to furnish particulars of purchases made by them directly and without reference to the Committee.

III. Procedure regarding Purchase.

14. The following procedure will be adopted by the Stores Purchase Committee in purchasing the stores:—

Except in the cases enumerated in Rules 26, 27 and 28 below, all purchases shall be made by inviting tenders which may be:—

(1) by advertisement (open tender), or
(2) by invitation to a limited number of firms (limited tender), or
(3) by invitation to one firm only (single tender or private purchase).

15. It will be within the discretion of the Committee to decide which of the above three ways shall be adopted in the case of any particular purchase.

16. For the purpose of inviting limited or single tenders, a register will be maintained by the Secretary under the various heads of supply of well-known firms who are known to be willing and able to execute contracts. A selection of the firm or firms to whom invitation should be sent shall be made from such register. Action shall be taken to maintain full and efficient lists and every encouragement given to firms desirous of having their names registered after ascertaining their ability to execute contracts satisfactorily.

The list of approved firms now maintained in the Financial Secretariat will be transferred to the Stores Purchase Committee who will also deal with applications for registration in future.

17. Competitive tenders shall be invited except in the case of:—

(*a*) Patents and specialities;
(*b*) Comparatively small supplies, where the value of stores to be purchased does not exceed Rs. 2,500;
(*c*) Highly finished work such as surgical and scientific apparatus.

In the case of these, single tenders may be invited from thoroughly reliable firms.

18. As far as possible, arrangements shall be made for calling tenders simultaneously in Europe and India.

19. In the case of competitive tenders, a day and hour will be fixed by which time, the tenders should be received. They shall be opened under the supervision of the President of the Committee. Single tenders may be opened as received. The quotations will then be checked and abstracts of each set of tenders prepared by the Secretary for being placed before the Committee for consideration.

20. After examination by the Committee of the abstracts of tenders received and comparing the price with the indent estimate of cost and after consulting, if need be, the indenting department concerned, the Committee shall decide which tender shall be accepted.

21. When time does not permit of the Committee being consulted in regard to the acceptance of a tender, the President of the Committee shall decide the question in consultation with the head of the indenting department concerned or where even such a course is not possible on his sole authority. All cases in which the President exercises this power shall be placed before the Committee for information at the next meeting.

22. When a tender has been accepted, both the firm whose tender is accepted as also the firms whose tenders are not accepted shall as soon as possible be informed to that effect.

No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

23. When a tender is accepted, the conditions shall be embodied in a formal contract providing for the necessary penal clauses for breach of conditions. Copies of such contracts shall be supplied to the Audit Office and to the indenting department concerned.

24. The Committee may arrange for running contracts in the case of such articles as are in demand throughout the year. Such contracts shall provide for variation in the quantity of supplies up to 50 per cent and for supplies being made periodically at reasonable notice.

25. In purchasing stores, preference shall as far as possible be given firstly, to articles of Mysore production and next to articles produced or manufactured in other parts of India provided that prices and quality compare favourably with articles of similar quality obtainable from outside Mysore or India as the case may be.

26. In the case of all articles to be obtained from abroad, arrangements for their purchase shall generally be made through the Consulting Engineers and Home Agents to Government in London in accordance with the agreement entered into with the firm by the Government.

27. In special cases, however, such orders may be placed directly with the supplying firm or firms.

28. The Committee may, for sufficient reason, purchase imported stores in India instead of obtaining them through the Consulting Engineers in London or obtain them from the manufacturers abroad directly or their branch offices or agents in India.

IV. RULES RE: CORRESPONDENCE WITH CONSULTING ENGINEERS, ETC., BY HEADS OF DEPARTMENTS.

29. Under the Standing Orders of Government, all indents for stores to be purchased abroad, whether their value is within or in excess of the powers of sanction of the indenting officer, as also all indents for articles to be purchased locally when the value of the articles to be so purchased exceeds the limit of value prescribed by the Government should be sent to the Stores Purchase Committee for execution.

30. When information regarding ruling prices of plant, machinery or other equipment is required for the preparation of any estimate or project or when the opinion or advice of the Consulting Engineers as such or other manufacturing firms is required for the preparation of drawings, designs, specifications or selection of equipment in connection with railways, electrical plant or other engineering enterprises, the heads of the technical departments may correspond directly with the Consulting Engineers, or other manufacturing firms.

31. After the estimates or projects have been prepared and sanctioned, all further action in respect of the purchase of stores, etc., shall be taken through the Stores Purchase Committee and all correspondence relating to such purchases shall invariably be conducted only through the Committee.

32. Any information which the departments may secure regarding firms known to be able to supply the stores required by them as also any quotations obtained by them shall be placed at the disposal of the Committee.

V. WATCHING OF EXECUTION OF CONTRACTS.

33. The Secretary to the Committee shall watch delivery under each contract until it is completed. If delay occurs or is likely to occur in delivery, the Committee may extend the time if it considers such extension can be permitted. The Committee shall also be competent to decide whether penalties for delay in accordance with the terms of the contract should be enforced or not and also whether the contract should be cancelled and purchase made against the defaulting contractor.

VI. SHIPPING DOCUMENTS.

34. In all cases in which stores are purchased abroad, arrangements shall be made to obtain three sets of shipping documents. One set shall be caused to be forwarded at the earliest possible date to the Receiving Agents to be appointed by the Committee, one set will be caused to be similarly sent to the indenting officer and the third set to the Secretary to the Committee. On receipt of the shipping documents, the indenting officer may issue such instructions as he considers necessary to the Receiving Agents in the matter of the transmission of packages, customs duty to be paid, etc., copies of such correspondence being simultaneously forwarded to the Secretary

VII. PAYMENT.

35. Invoices (showing the cost of the stores including packing and freight) and bills for the supply of stores shall be obtained in duplicate by the Secretary to the Committee and forwarded to the indenting officer for verification that the stores for which payment

No. G. 13082-13140—G. M. 170-23-2, DATED 28TH MARCH 1924.

is claimed are satisfactory and correct as to quantities and have been received and taken to stock. One set of the invoice and the bill will be retained by the indenting officer and the other set with the certificate as above will be returned without delay to the Secretary who will forward them to the Comptroller for arranging payment. In cases where payment against shipping documents or by instalments is stipulated in a contract, the Secretary shall watch deliveries until the contract is fully and satisfactorily executed. Every care shall be taken that payment is arranged for only in accordance with the terms of a contract and that no delay occurs in payment involving the payment of interest on such delayed payments.

36. The Committee shall ensure that only the correct rate of customs duty leviable under the law is paid on all imported stores and that claims for refund are preferred in time.

VIII. EXEMPTIONS FROM THE STORES PURCHASE RULES.

37. The Committee may exempt any particular class or classes of stores from the operation of these rules and also fix a financial limit within which purchase of such goods may be made without reference to the Committee.

IX. POWERS OF THE PRESIDENT OF THE COMMITTEE.

38. In cases of emergency where it is not possible to obtain the views of the Committee on any particular question or questions, the President shall be competent to decide such questions and take all such action as he deems necessary on behalf of the Committee.

FORM A.

.....Department. No. and date of sanction.....

Indent for the purchase of Stores for the year 192—.

Description of Articles	Accurate specification	Trade name, if any	Quantity required	Estimated cost	Name of manufacturer	Whether delivery is desired in whole or in periodical instalments	If the article is proposed to be purchased from any particular firm, address of the firm	Remarks

FORM B.

Department.....

No. and date of sanction of estimate by the Government or other competent authority.

Indent for purchases of foreign articles.

Description of Articles	Trade name	Accurate specification	Purpose for which it is required	Name of manufacturer	Quantity desired	If delivery is by instalments		Estimate of anticipated cost	Port or Ry. Stn at which delivery is sought	Designation of consignee	Any other points requiring mention. (Mention here if it is desired that the purchase is required to be made by cable.)
						Quantity desired in each instalment	Date by which each instalment is to be delivered				

W D 1351-GPB—105—3-1-33

Civil

Form No. 105

FF 1214 dated 21-12-35

Law 127-35-1 P 3777 of

From The District Judge, Bangalore Dn, 193 Bangalore.

To The Chief Secretary, The Govt. of Mysore Bangalore

SECRETARY. Law. 3 DEC. 1935

Sir,

I have the honour to forward herewith defendant's Summons, in duplicate in O.S. 11/35-36 No. of 193 in the file of this Court and to request that you will be so good as to cause the duplicate to be served on the individual therein named and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. 20-1-36

XXX

Paid 23/12

~~A sum of Rs. is herewith sent, being witness batta~~

I have the honour to be,

Sir,

Your most obedient servant,

By order.

S. N. Narasimha Rao

Sheristedar

WD 01565—GPB—4,536—19-2-35

3 of 15 — 1

Appendix F G–I]

SUBJECT.....

.....

.....

Section Law

File No. 127–35

Serial No. 2

CHIEF

...ary No. of letter replied to.....

No. P 4361 Enc 1.

To The De-Judge B-Coned

Sir,

I am directed to return herewith duly signed by the Chief Secretary, the defendant's summons in original in OS 11/35-36 on the file of your Court (Messrs B.V. Narayanaswamy etc Vs Govt.) sent with your letter No. XX - 1244 dated 21-12-35 and to state that the Public Prosecutor B-Coned has been instructed to appear for Government in the case.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

General and Revenue Secretariat

( )

the 193

...te of issue 6-1-36

...gned by W C S Iyr

List of enclosures.....

Copied by.....

Examined by.....

No,

From

Secretary to the Government of His Highness
the Maharaja of Mysore, Genl. and Rev. Dept.

To The General
XXXXXXXXXXXXXX

The District Judge,
Bangalore Division, Bangalore.

Dated, the 2nd January 1936. 190 .

General and Rev. Secretariat.

Sir,

I am directed to return herewith duly signed by the Chief Secretary, the defendant's summons ~~in original~~ in O.S.11/35-36 on the file of your Court (Messrs.B.V. Narayanaswami & Co., -Vs- Government) sent with your letter No.XX-1214 dated 21.12.1935 and to state that the Public Prosecutor, Bangalore Division has been instructed to appear for Government in the case.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Government.

K.M.R.2.

G. R. S. 31

3015

11

Appendix F G–1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No. 3

Diary No. of letter replied to.....

No. P4362 Lc 2

To

The Public Prosecutor.....

B-Cont Dn

General and Revenue Secretariat

( )

the *193* .

Date of issue 6/1/36

Signed by [illegible]

Sir,

I am directed to forward herewith the duplicate of the defendant's summons and the copy of the plaint in O.S 11/35-C on the file of the D. Judge B-Cont (Messrs B.V. Narayanaswamy & Co Vs Govt.) and to request you to appear for Government in the case on 20-1-36 the date to which it stands posted for hearing and obtain a month's adjournment to enable necessary orders being obtained in the matter ~~of defending the suit~~. Intimation of the adjourned date of hearing may be sent in due course.

I have the honor to be,
Sir,
Your most obedient servant,

List of enclosures.....

Copied by.....

Examined by.....

for [illegible] *Secretary to Government.*

G.R.S. 31]

No.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore, Genl. and Rev. Dept.

To

The Public Prosecutor,
Bangalore Division, Bangalore.

Dated, the 2nd January 1936.

General and Rev. Secretariat.

Sir,

I am directed to forward herewith the duplicate of the defendant's summons and the copy of the plaint in O.S.11/35-6 on the file of the District Judge, Bangalore (Messrs. B.V.Narayanaswami & Co., -Vs- Government) and to request you to appear for Government in the case on 20.1.1936 the date to which it stands posted for hearing and obtain a month's adjournment to enable necessary orders being obtained in the matter. Intimation of the adjourned date of hearing may be sent in due course.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Government.

MGCPB-5,000-18-3-05

K.".R.2.

3 cfs

11

Appendix F G–1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No. 4

Diary No. of letter replied to.....

No. P4363 Lre Bne

To

The Chief Engineer

General and Revenue Secretariat

( )

the *193*

Date of issue 6/1/36

Signed by Mr C. S. Gye

Sir,

I am directed to forward herewith copies of the ~~defendant's summons and~~ the plaint in O.S 11/35-36 on the file of the D. Judge B-lore.

The case is posted to 20.1.36 and the Public Prosecutor B-lore has been instructed to appear on that day and take an adjournment to enable necessary orders being obtained in the matter of defending the suit. I am therefore to request you to submit the report required under rule 89 of the Rules for the conduct of the legal affairs of Government together with the cnnected records within 2 weeks from this date so that necessary instructions may be sent to the Publ c Prosecutor in time.

I have the honor to be,
Sir,
Your most obedient servant,

List of enclosures.....

Copied by.....

Examined by.....

for General *Secretary to Government.*

G.R.S. 31]

No.

From

The Secretary / General to the Government of His Highness the Maharaja of Mysore, Genl. and Rev. Dept.
xxxxxxxxxxxxxx

To

The Chief Engineer of Mysore,
M y s o r e.
Dated, 2nd Jany. 1935. xxx

, the 190

General and Rev. Secretariat.

Sir,

I am directed to forward herewith copy of the plaint in O.S.11/35-36 on the file of the District Judge, Bangalore. The case is posted to 20-1-1936 and the Public Prosecutor, Bangalore has been instructed to appear on that day and take an adjournment to enable necessary orders being obtained in the matter of defending the suit. I am therefore to request you to submit the report required under rule 89 of the Rules for the conduct of the legal affairs of Government together with the connected records within 2 weeks from this date so that necessary instructions may be sent to the Public Prosecutor in time.

I have the honour to be,
Sir,
Your most obedient servant,

MGCPB-5,000-4-3-05

for General Secretary to Government.

TSD

Immediate

18 4487 P 35

OFFICE OF THE CHIEF ENGINEER OF MYSORE,
K. R. SAGARA WORKS.

No. 2226/K.S.S.
Encls.

Dated Bangalore, 20th 17th January 1936.

Law 127-35-5

FROM

Diwan Bahadur
N. N. AYYANGAR, B.A., L.C.E., M.I.E. (India), I.S.E.,
Chief Engineer of Mysore (Krishnarajasagara Works),
BANGALORE.

To

21 JAN. 1936

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

Subject:- Suit against Government by Messrs.B.V. Narayanaswamy & Co., for the recovery of the amount for supply of cement to the Executive Engineer, Irwin Canal - Division.

With reference to your letter No. P.4363/Law 127-35-4 dated the 6th January 1936 on the above subject, I have the honour to invite your kind reference to this office Nos. 4 and 6 dated the 28th May and 1st June 1935 respectively forwarding the reports received from the Executive Engineer, Irwin Canal Division, in the matter and to state that there is nothing further to add.

2. The Public Prosecutor may prepare defence statements in consultation with defendants 2 and 3 in the case.

I have the honour to be,
S i r,
Your most obedient servant,

17/1/36

Chief Engineer of Mysore,
(Krishnaraj Sagar Works).

V.M.S.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

Section Law

File No. 127-35

Serial No. 6

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 3/2/ 1936

Signed by Mr. N. R. J. R

Read— Letter no. XX 12164 d 21.12.35 from the Dt. Judge B'lore forwarding for service and return the defendant's Summons in duplicate in O.S. 11/35-36 (Messrs. B.V. narayana Swami & Co. vs Govt of Mys) ~~Order thereon. No.~~ ——— Suit relating to the supply of Cauvery & Irwin Canal. Mandya.

2. Correspondence ending with the letter no. 25/36/K35 d 20.1.36 from the Ch. Engr. inviting reference to the Communications d 25th May and 1st June 1935 and stating

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

4/2

Hon'ble Govt. Pleader may prepare defence statements in Consultation with the defendants 2 & 3 in the Case

order:- P.S 124-7 Encl file P. Pers

Sanction is accorded to the defence of the Suit against Govt. Hon'ble Govt. Pleader is requested to take necessary further action in accordance with the rules for the conduct of the legal affairs of Govt. Depts. instructions if any may be obtained from the Ch. Engr. and the Supdg. Engr. Irrign Circle

Secy
29/1

Gen'l Secy
29/1

List of Enclosure

To,

1) Hon'ble Govt. Pleader with Lr. 190-36 Sl 1-4.

2) " Ch. Engr

3) Comptroller to Govt.

4) Sec'y S.P.C.

Copied by

Examined by

Confidential.

D. O. No. P S 212
Law I 27-35

GENERAL AND REVENUE SECRETARIAT,

Bangalore, Dated, 5th February 1936.

Dear Sir, O.S.11/35-36 on the file of the District Court, Bangalore (Messrs: B.V.Narayanaswami & Co., Vs. Government of Mysore.

With reference to the correspondence ending with the Government Order No.P.5124-7/Law 127-35-6 dated 3r February 1936 sanctioning the defence of the above sui on behalf of Government, I am directed to request that the draft written statement on behalf of Government ma kindly be prepared in consultation with Messrs: C.T. Narasimha Iyengar and N.Subba Rao, defendants 2 and 3 in the case and submitted for approval of Government i time.

Yours sincerely,

G.S.Doraswami Iyer, Esq., B.A.,B.L.,
Public Prosecutor, Bangalore.

P.T.O.

Memo No. PS213 dt 6-2-36

Copy of the above is forwarded with compliments to the Chief Engineer in Mysore.

By Order,

For General Secretary to Government

TSS.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

ate of issue 6.2.36

igned by Mr. R.N.J.R

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No. 127/35

Serial No.

No. Confidential P 5212

To

The Dist. Collr.

05.11/35-36 on the file of the Dist. Collr.

(Messrs. Sri. Narayanaswami Rao & Co. Vs. Govt.)

Dear Sir,

With reference to the correspondence ending with the G.O. No. P. 5212-7 Law 127-35-6 dt. 3.2.36 enclosing the defence of the above suit on behalf Govt. I am directed to request that the ~~statement~~ written statement on behalf of Govt may kindly be prepared in consultation with ~~the~~ Messrs. C. Narasimhaya and N. Subba Rao, defendants 2 and 3 in the case, and submitted for approval of Govt in time.

~~for approval of Govt~~

Yours faithfully,

Secretary to Government

Law

Copy to the Chr. Engr.

Dist. Collr.

WD 03601—GPB—30,000—23-9-35

4853 P 835

No. 719/35-36.

Enc. ....Nil.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 3rd February *193* 6

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

5 FEB 1936

Sir,

RE: O.S.NO.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co. The Government and two others.)

I have the honour to forward herewith a copy of letter No.I636 dated 25-I-1936 received from the Executive Engineer, Mandya and to state that as per your letter No.P.4362/Law I27-35-3 dated 6-I-36 I am directed to appear for Government in the above case. I solicit instructions as to whether I should appear on behalf of the other two defendants also. The vakalath form is enclosed herewith for signature and return.

I have the honour to be,
Sir,
Your most obedient servant,

G Doraswamy Iyer
Public Prosecutor.

KHR.

Copy of letter No.I636 dated 25th January I936 from the Executive Engineer, Irwin Canal Division, Mandya to the Public Prosecutor, Bangalore.

------o------

Civil suit filed by Messrs: B.V. Narayanaswami & Co., cement contractors against Government.

---------o--------

In continuation of the personal discussion, I had with you on the I9th instant re: the above suit, I have the honour to enclose herewith copy of D.O. No.P. 4739 of 20th January I936 from the General Secretary in the matter for favour of your information, and request you to kindly let me know, when I may go over to you to place facts in the case before you as directed by Government. I should also request you to kindly let me know the date to which this case is got adjourned by you. Thanking you for favour of early reply.

Copy

Public Prosecutor.

4878 P 35

No. 739

Enc. 35-36

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 4th February *193* 6

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

GENERAL SECRETARIAT 5 FEB 1936

RE: O.S.NO.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayaswami -VS- The Government)

I have the honour to acknowledge receipt of G.O. No.P.5I24/ Law I27-35-6 dated 3rd February I936 with enclosures. I request that an officer of the department concerned may kindly be requested to instruct me fully with the facts of the case in accordance with Rule IOI of the Rules for the conduct of Legal Affairs of Government. It is necessary for me to perute the original documents and all connected records in original in order to prepare a draft written statement on behalf of Government and submit it in time for approval in accordance with rule 93 of the rules for the conduct of - Legal Affairs of Government. The case is posted to IIth instant but I will obtain another adjournment for about three weeks from that date.

I have the honour to be,
Sir,
Your most obedient servant,

G. Doraswamy Iyer
Public prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th February 193 6

No. PS 302/1

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor, Bangalore.

Subject.- O.S.11 of 35-36 on the file of the District Judge, Bangalore (Messrs. B.V.Narayanaswamy & Co., Vs. Government)

Sir,

With reference to your letter No. 719/35-36 dated the 3rd February 1936, I am directed to return herewith duly signed by the Chief Secretary the Vakalat Form.

No reference has been received so far from the Chief Engineer recommending Government to undertake the defence of defendants 2 and 3 at Government cost.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- M. Venkatesa Iyengar,
General Secretary to Government.

Memo No. PS 308 48/2/36

Copy of the above is forwarded with compliments to the Chief Engineer of Mysore.

By order,

General Secretary to Government

C.R.G.3

TSD

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 8/2/36

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 5302/1

To

The Hon. Bar

OS. 11/35-36 on the file of the

Hon Judge, Bar

(Messrs. N. Narayanaswamy Iyer & Son)

Sir,

With reference to your

letter no. 719/35-36 d 3.2.36, I am

directed to return herein duly signed

by the Ch. Secy the Vakalat from.

No reference has been received

so far from the Ch. Engr recommending

Govt to undertake the defence of

~~the~~ defendants & ~~to be defended~~

at Govt cost.

I have etc

8/2 Jun Gen Secy

P 5303 P 8/2/36 TSD 8/2

Copy to Ch Engr

4687

4977 P 235

No. 761
Enc. 35-36

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 7th February *193* 6.

Law 127-35-7

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

GENERAL SECRETARY
11 FEB. 1936

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.NO.II/35-36 on the file of the District District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co., -VS- The Government of Mysore and two others.)

I have the honour to request that all the records in the Stores Purchase Committee relating to the above case may be sent to me.

It will be necessary for me to perse~~use~~ all the original records which I understand are filed in the criminal case relating to the same matter at Mysore. It would be better if I discuss in person with the Public Prosecutor, Mysore certain aspects of the evidence let in the criminal case before drafting the written statement. I request to be permitted to go to Mysore to enable me to peruse the records there and discuss the matter with the Public Prosecutor of Mysore also.

As it is necessary to get copies made of some of the documents I request that I may be permitted to take my clerk with me for this purpose to Mysore.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer
Public Prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 14th Febry. 1936.

No. PS 401
Law 127-35

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary,
Stores Purchase Committee, Bangalore.

Sir, O.S.11/35-36 on the File of the District Court, Bangalore.
(Messrs. B.V. Narayanaswami & Co., -VS- Government of Mysore & others.)

Sir,

With reference to the Government Order No.P.5124-7 Law.127-35-6 dated 3rd February 1936, sanctioning the defence of the above suit, I am directed to request that all the records relating to the contract of Messrs. B.V. Narayanaswami & Co., available in your Office may kindly be sent for being forwarded to the Public Prosecutor, Bangalore for his reference in preparing written statement on behalf of Government.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- M. Venkatesa Iyengar,
General Secretary to Government.

M.".R.3.

Memo No. PS 402 Dated, Bangalore, the 14th Febry. 1936.

Copy of the above, is forwarded, with compliments, to the Public Prosecutor, Bangalore Division, Bangalore.

By Order,

For General Secretary to Government.

".".P.2.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No.

Diary No. of letter replied to.....

No. P 5401.

To

The Secy S.P.C.

O.S. 11/35-36 on the file of the

Dist-ct. Bijapur

(Messrs. B.V. Narayana Swami & Co

vs

Govt of Mysore & others)

General and Revenue Secretariat

( )

the *193* .

Date of issue 14-2-36

Signed by M.N.J.R.

Sir,

With reference to the G.O. No. P. 5114-7 Law 127-35-6 d 3.2.36 sanctioning the defence of the above suit, I am directed to request that all the records relating to the Contract of Messrs. B.V. Narayana Swami & Co, available in your office may kindly be sent for forwarded to the Dist. Bijapur for his reference in preparing Connection with the filing of the written Statement on behalf of Govt.

List of enclosures.....

Copied by ..... being

Examined by.....

WD 03601—GPB—30,000—23-9-35

P 5402 of 14-2-36
Copy to the Dist. Bijapur

I have the
Govt Secy

Please refer to this Office Indent No. in all your correspondence.

5147 of 35
P 1

GOVERNMENT OF MYSORE.

STORES PURCHASE COMMITTEE.

Tel. Address: "STORESEC"
Code: "Bentley's."

OFFICE OF THE SECRETARY,
STORES PURCHASE COMMITTEE,
PUBLIC OFFICES.

No. S. P. C. 13847 | one file

Bangalore, dated 15th February 1936.
(S. India.)
17

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government
of H.H. the Maharaja of Mysore,
Bangalore.

17 FEB. 1936

Sir,

O.S. No.11/35-36 on the file of the
District Court, Bangalore.
(Messrs. B.V. Narayanaswami & Co.,
-VS-
Government of Mysore and others).

With reference to your letter No.P.5401 dated 14th Febry. 1936, I am directed to forward herewith one stitched collection containing Local Indent No.2475 relating to supply of cement by Messrs. B.V. Narayanaswami & Co., during the year 1933-34 and connected with the above suit.

I have the honor to be,
S i r,
Your most obedient servant,

Secretary,
Stores Purchase Committee.

2

15/2

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No.P.5124-7/Law 127-35-6 dated 3.2.36, sanctioning the defence of the suit O.S.11/35-36 on the file of the District Judge, Bangalore (Messrs: B.V.Narayanaswami & Co., Vs. Government) on behalf of Government.

2. Letter No.761/35-36 dated 7th February 1936 from the Public Prosecutor, Bangalore soliciting permission of Government to go to Mysore to examine the records in the criminal cases arising out of the Mandya Cement defalcations pending in the Sessions Courts in Mysore since such examination is necessary for preparing the defence on behalf of Government in the civil suit filed by Messrs: Narayanaswami & Co.

....

Order No. P.S.P.) -8/Law 127-35-2

Dated Bangalore 20th February 1936.

S A N C T I O N E D.

For General Secretary to Government.

To

The Public Prosecutor, Bangalore with the collections.

The Comptroller to Government.

TSS.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 20/2/1936

Signed by M.V.R.J.R

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 127-35

Serial No. 1

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no. R. 5112-7 Law 127-35-6 d 3.2.36 sanctioning the defence of the suit OS. 11/35-36 on the file of the Dr. Judge. B'lore (Messrs. B.V. narayanaswami &c vs Govt) on behalf of Govt.

2. ~~Correspondence ending~~ ~~Order thereon—No.~~ ~~&c &c~~ Secy no. 761/35-36 d 7.2.36 from the Dist B'lore ~~requesting to send~~ soliciting permission ~~the records relating to the above Case available in the Sessions Court~~ ~~Committee and soliciting sanction~~ of Govt ~~for permission to go to~~ Mysore to examine the records in ~~his clerk to discuss the decisions Contd in Mysore~~

in connection with the Govt. Mysore.

Extract of the evidence ~~taken~~ given in the Criminal Cases, and the defalcations ~~and~~ proving the ~~same~~ arising out of the Mamuya cement in the Sessions Courts in Mysore ~~Please~~ the records available ~~here~~.

Since such examination is necessary for preparing the defence on behalf of Govt in the civil suit filed by mess Narayanswami Bros.

order. - P.S.S.(P) - 8

Sanctioned. The Govt.

need not however take his clerk with him since he can have the services of the Govt Clerk at Mysore for helping him to take copies etc. one Stitched Collection Containing Local index nos. 1 to 5 relating to the supply of cement by Mess. Narayanswami Bros during the year 1933-34 is herewith enclosed.

List of Enclosure

Govt Secretariat
20/2 TSD 20/2

To,

The Govt. Bank with the Cheque.

Copied by.

~~Govt Mysore~~
Govt S.B.C.
Comptroller.
~~Govt~~

Examined by

WD 03602—GPB—22,500—12-7-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 25th February 1936.

No. P 5656/1 file

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor, Bangalore.

Subject.- O.S.11/35-36 on the file of the District Court, Bangalore. (Messrs. Narayanaswami & Co. Vs. Govt. and others)

Sir,

With reference to the correspondence ending with the Government order No. F. 5597-8/Law 127-35 dated the 20th February 1936 permitting you to go to Mysore to examine the records in the Criminal cases arising out of the Mandya Cement defalcations, I am directed to forward herewith as desired by you a stitched collection of papers of the Stores Purchase Committee relating to the supply of cement by Messrs. B.V. Narayanaswamy and Company.

As regards your request to take your clerk to Mysore along with you, I am to state that there seems to be no necessity for this since you can have the services of the Public Prosecutor's Clerk at Mysore for taking copies &c.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- M. Venkatesa Iyengar,
General Secretary to Government.

Memo No. P 5657 dt 25/2/36.

Copy of the above is forwarded ~~with compliments~~ to the Public Prosecutor, Mysore, for information.

By order,

General Secretary to Government.

C.R.C.3

JSD

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No.

Diary No. of letter replied to.....

No. P5656 (1 file)

To The Dist. Collr. B'lore

O.S. 11/35-36 on the file of the Dist. Collr. B'lore

(Messrs. Narayanaswamy & Co vs Govt & Others)

General and Revenue Secretariat

( )

the *193*

Date of issue 25/2/36

Sir,

Signed by Dr. N. R. J.

With reference to the Correspondence ending with the G.O. no. P. 5597-8 Law 127-35 d 20.2.36 permitting you to go to Mysore to examine the records in the Criminal Case arising out of the Mandya Cement deglections, I am directed to forward herewith a stitched Collection of papers of the S.P.C relating to the supply of Cement by Messrs. Narayanaswamy & Co, as required by you

List of enclosures.....

Copied by ..... as desired by you

Examined by.....

As regards your request
to take your clerk to Mysore along with
you, I am to state that there seems to be
~~need not have taken him~~ no necessity for this
You can have the services of the
P.W.'s clerk at Mysore for making
copies etc.

~~I am also to~~

I have etc

pml
11/2 for Gen. Secy
TSD 11/2

No. P 5657 dt 25-4-36

Copy to the Com. Mys for info:

pml
11/2

Immediate. 7

5245 P 35

OFFICE OF THE CHIEF ENGINEER OF MYSORE,
K. R. SAGARA WORKS.

No. 3189/K.S.S.
Encls.

Dated Bangalore, 19th February 1936.

Law 127-35-6

FROM

Diwan Bahadu
N. N. AYYANGAR, B.A., L.C.E., M.I.E. (India), I.S.E.,
Chief Engineer of Mysore (Krishnarajasagara Works),
BANGALORE.

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General Department, Bangalore.

Sir,

Subject:- O.S. No. 11 of 35-36 on the file of the District Judge (Messrs.B.V. Narayanaswami & Co., Vs. Government)

With reference to your memo No.P.5303 dated 8th February 1936, forwarding copy of No.P.5302 of the same date addressed to the Public Prosecutor, Bangalore, stating that no reference is received from this office recommending Government to undertake the defence of Defendants 2 and 3 at Government cost, I have the honour to invite kind reference to para 2 of this office No. 2726 of the 20th January 1936 and to G.O. No.P.5724-7/Law.127-35-6 of the 3rd February 1936, according sanction to the defence of the suit against Government and requesting the Public Prosecutor to take necessary further action.

2. The Public Prosecutor may kindly be instructed to defend the Defendants 2 and 3 also namely Messrs. N. Subba Rao and C.T. Narasimha Iyengar, Executive Engineers.

I have the honour to be,
S i r,
Your most obedient servant,

19/2/36

Chief Engineer of Mysore,
(Krishnaraj Sagar Works).

V.M.S.

G. R. S. App. F VI—G 2]

SUBJECT ..... Mechanical

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue.....28. 2. .....1936.

Signed by Dr. N. R. S.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Law

File No. 127-35

Serial No. 9

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no. 8. Size-7

Law 127-35-6 dt 3.2.36 sanctioning on behalf of Govt— ing the defence of the Suit O.S. 11/35-36 on the file of the Dy. Judge. Bangalore (Messrs. B.V. Narayanaswami & Co vs Govt and others). ~~on behalf of Govt. Order thereon. No.~~ Govt.

2. Correspondence ending with the letter no. 3159/K.S.S. dt 19.2.36 from the Ch. Engr requesting to ~~take~~ Soliciting sanction of Govt to the defence of Messrs. V. Subba Rao and C. Narasimhaggar defendants

2 and 3 in the above suit.

order. — P 5754 — 6

Sanctioned. Mr 6/12

B'Lore is required to appear and Conduct the Case on behalf of defendants 2 and 3 also in accordance with the Rules for the Conduct of Legal affairs 1930

Mr 26/12 Genl 26/12

TSD 24/12

To.

Mr 6 Br. B'Lore

Ch. Secy

Comptroller

List of Enclosure

Copied by

Examined by

WD 03602—GPB—22,500—12-7-35

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government order No. P. 5124-7/Law 127-35-6 dated the 3rd February 1936 sanctioning the defence on behalf of Government of the suit O.S. 11 of 1935-36 on the file of the District Judge, Bangalore (Messrs. B.V. Narayanaswami & Co., Vs. Government and others.

2. Correspondence ending with the letter No. 3189/K.S.S. dated the 19th February 1936 from the Chief Engineer soliciting sanction of Government to the defence of Messrs. N. Subba Rao and C.T. Narasimha Iyengar, defendants 2 and 3 in the above suit.

Order No. P 5754-6 Law 127-35-9

Dated, Bangalore, the 27th February 1936.
28.

Sanctioned. The Public Prosecutor, Bangalore, is requested to appear and conduct the case on behalf of defendants 2 and 3 also in accordance with the Rules for the conduct of legal affairs of Government.

By order,
General Secretary to Government.
TSP

To

The Public Prosecutor, Bangalore.

The Chief Engineer of Mysore.

The Comptroller to the Government of Mysore.

C.R.G.4

Law 127-35-10

6385
p 635

No. 1045/35-36.

Enc: Records and three written Statements.

Office of the Public Prosecutor,
Bangalore Division.

Bangalore 14th April 1936.

From

G.S.Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, BANGALORE.

To

The General Secretary to the Govt.
of H. H. The Maharaja of Mysore,
BANGALORE.

Sir,

Re: Original Suit No.11 of 1935-36 on the file of the District Judge, Bangalore Division, (Messrs. B.V.Narayanaswami & Co., VS. The Government of Mysore and two others).

With reference to your letter No.P.4362/Law.127-35-2 dated 6.1.36., together with the enclosures thereto, and the subsequent Government Orders, I have the honor to forward herewith for approval of Government the Written Statements proposed to be filed in the above case on behalf of the Defendants 1, 2 and 3. If approved, I request that they may be got signed and sent to me for being filed into Court.

From a perusal of the connected records it is apparent that a series of frauds have been committed by certain of the officials of the establishment of the Executive Engineer, Mandya along with several others. During the perusal of the records of the case I came across several cards printed as in the annexed forms 1 and 2. I invite the kind attention of Govt. to these cards printed as if authorised by Government which must have helped the persons concerned to perpetrate the frauds.

I request that a sum of Rs.50/- be directed to be placed at my disposal towards the costs of engrossing the Written

Written Statements, Stamps on Vakalaths and Applications, Postage etc., A copy of the plaint is found in p 2 of the records.

I have the honor to be,
Sir,
Your most obedient servant,.

S Dominic Jr

Public Prosecutor,
Bangalore Division.

D.O.No.P 7122

25th April 1936.

Dear Mr.Doraswami Iyer,

O.S.11/35-36 on the file of the District Court Bangalore. (B.V.Narayanaswami & Co. Vs.Govt).

With reference to your letter No.1045/35-36 dated 14th April 1936 forwarding for approval the written -- statement to be filed in the above case, I am to request you to make it convenient to discuss the matter early with me.

Yours sincerely,

G.S.Doraswami Iyer,Esq.,B.A., B.L.,
Public Prosecutor, Bangalore.

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P7/22

To

General and Revenue Secretariat

( )

the *193* .

Dear Mr. Dharmaratnam,

Date of issue 27.4.36

OS. 11/3536 in re Sleep
re M. ca. 85'Lee
(B. V. Nagaratnam Chetty vs Sin)

Signed by Mr. N. R. J.

With reference to your
letter no. 10687/3536 of 16.11.36 forwarding
enq. for approval re written statement
to be filed in the above case, I
am to request you to make it
convenient to
~~be early and~~ discuss re matter
early with me.

List of enclosures.....

Yours sincerely

Copied by Cer 27/4

24/4/36

To,

Examined by.....

S. S. Dharmaratnam Esqr.,
Bar-at-Law

Proctor

WD 03601—GPB—30,000—23-9-35

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P 7486/Law 127-35-
Sec 4.

Dated, Bangalore 12th May 1936.

Dear Mr.Doraswami Iyer,

O.S.11/35-36 on the file of the District Court Bangalore (B.M.Narayanaswami & Co Vs.Government)

In pursuance of the discussion we had, recently I am to return herewith for revision and resubmission the draft written statements sent with your letter No.445/35-36 dated 14th April 1936.

The Secretariat file Law 190-34 serials 1-4 is also sent herewith for reference and return.

Yours sincerely,

G.S.Doraswami Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the *193*

Date of issue 12.5.36

Signed by Sir. V.R.I.

TSD

List of enclosures.....

Copied by 12/5

Examined by.....

Section Law

File No. 127-35

Serial No.

No. P7486/Sec 4

To

Dear M. Doraswamiyer,

05.11/3536 on the file of the Dept. of Bombay (Bombay Narayanaswamiyer vs Govt)

In pursuance of the discussion we had recently, I return herewith for revision and resubmission the draft written statements sent with your letter no. 1005/3536 dt 14.4.36

The Secretariat file Law 190-34 Sh 1-4 is also returned herewith for perusal and return.

Yours sincerely

11/5

WD 03601—GPB—30,000—23-9-35

To,

T.S. Doraswamiyer, Esq.
Adv. Bombay

TSD 4/5

Dear Mr Gupteo.

Two of the Govt order relating to the relevant S.P.C. are sent herewith

yours sincerely
Public offices
Madras 6/5/36.
6/5/36

Dear Sir! Veeraraghavachari,

With your kindly send per bearer a copy of the Govt order constituting the Store Purchase Committee along with any other papers showing the relationship between that Committee & Govt? The matter is necessary for putting our defence in Narayanaswami's Case & the P.P. & myself are now discussing the same

Yours sincerely

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. G. 7351-410—G. M. 121-23-2, dated 10th November 1923.

Indents for stores and correspondence relating thereto.

Directing that all —— be addressed henceforward to the Secretary to the Stores Purchase Committee.

READ—

Government Order No. G. 10471-530—G. M. 127-22-28, dated the 21st June 1923, directing that all orders for articles to be purchased in foreign countries be sent to the Chief Secretary to Government.

2. Government Order No. G. 5650-700—G. M. 109-23-2, dated 4th October 1923, laying down that all purchases in Europe and America be made through Messrs. Rendel Palmer and Tritton, Government's Consulting Engineers and Home Agents in London and that all connected correspondence be carried on through the Chief Secretary to Government.

3. Government Order No. G. 61-120—G. M. 121-23-1, dated 22nd October 1923, constituting a Committee for the purchase of stores of all kinds whether foreign or local, required by Government Departments.

ORDER No. G. 7351-410—G. M. 121-23-2, DATED 10TH NOVEMBER 1923.

Under the Government Order of 4th October 1923, appointing Messrs. Rendel Palmer and Tritton as Consulting Engineers and Agents for the purchase of stores in England, all communications relating to purchases abroad or enquiries to be made of the firm are now being sent to the Chief Secretary to Government. Now that a separate Stores Purchase Committee has been constituted to consolidate indents and place orders, Government are pleased to direct that in future all indents for stores required by Government Departments, the value of which exceeds Rs. 1,000 fixed in paragraph 9 of the Government Order of 22nd October 1923, read above should after the usual departmental sanction is obtained, be sent to the Secretary to the Stores Purchase Committee instead of to the Chief Secretary to Government. All enquiries relating to the purchase of stores or to points on which the firm's opinion or advice is required by any department should also be addressed to the Secretary of the Stores Purchase Committee. In sending indents, care should be taken to draw up specifications as clearly as possible giving also conditions of delivery, etc., thereof avoiding further references. Necessary forms for the purpose should be printed at the Government Press and supplied by the Secretary to the departments concerned. The Heads of Departments or their subordinates are precluded from inviting quotations direct from any firm in future.

Detailed rules regarding the manner and time of preparation and transmission of the annual indents to the Stores Purchase Committee will be issued in due course.

K. MATTHAN,
Chief Secy. to Govt.

To—The Heads of Departments.
The Comptroller to Government.
The Secretaries to Government.
The Deputy Commissioners of Districts.
The Secretary, Stores Purchase Committee.

Exd.—A. M. K.

W D 922—GPB—585—12-11-23

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. G. 61-120/G. M. 121-23-1, dated 22nd October 1923.

Stores Purchase Committee.

Appoints a ——with effect from 1st November 1923, for the purchase of stores required for all Government Departments.

Read—

Government Order No. Fl.3238-87/G.F.10-17-47, dated 4th January 1918, laying down consolidated rules for the purchase of stores required by the Government Departments.

2. Government Order No. G. 10471-530/G. M. 127-22-28, dated 21st June 1923, directing that all indents for the purchase of foreign articles should be sent to the Chief Secretary to Government after obtaining the usual departmental sanction thereto.

3. Government Order No. Fl. 357-9/G. F. 14-23-1, dated 18th July 1923, laying down certain rules for regulating the purchase of stores by the Electrical Department.

4. Government Order No. G. 5648/G. M. 109-23-1, dated 4th October 1923, appointing the firm of Messrs. Rendel Palmer and Tritton, Civil Engineers, London, as consulting Engineers to the Government and Agents for the purchase of stores in England.

ORDER No. G. 61-120/G. M. 121-23-1, DATED, CAMP MYSORE, 22ND OCTOBER 1923.

The Government have had under consideration for some time past the question of improving the arrangements for the purchase of stores required by the several departments of the administration. At present such purchases are regulated by the rules prescribed in the first of the Government Orders read above. These rules lay down the limits up to which the Heads of Departments may make purchases directly from approved firms or manufacturers and also indicate the cases in which such purchases should be made only after calling for tenders. In cases where the articles are manufactured only by particular agencies, certain departments, such as Education, Meteorological, Agricultural, Railway and Electrical Departments have been authorised to make such purchases directly from the firm or agencies concerned without calling for tenders.

2. With a view to enable the Government Departments, especially the major technical departments who are the largest purchasers of foreign stores, to utilise, as far as possible, the services of experts in the selection and purchase of goods, stores, machinery, etc., required by them, Government have recently engaged the services of the firm of Messrs. Rendel Palmer and Tritton, London, who will act as consulting Engineers and purchasing agents to Government in England whenever necessary.

3. The question of making the best possible arrangements for these purchases with a view, on the one hand, to obtain the best value for the expenditure incurred and on the other to encourage local manufacturers and production, is one of the greatest importance. Experience has shown that the present arrangements are not altogether satisfactory. In the first place each department places its orders for the same class of goods separately, and even in the same department the whole of the annual requirements is not estimated in advance and consolidated orders are not placed with the result that the advantages of wholesale purchase on a large scale are not secured. Secondly the purchasing officers have at present no means of obtaining accurate and up-to-date information regarding the firms dealing with the goods required by them, the best available manufactures or designs suited to their requirements and generally about the fluctuations in the market conditions. Thirdly, in spite of the standing orders requiring that the widest publicity should be given to notices calling for tenders, there is reason to believe that there is not enough publicity as regards the requirements of the several departments. It has consequently been found that in the case of certain departments there has been no adequate response to such tender notices, and in practice a few firms and at times a single firm get the monopoly of supply for a number of years. Fourthly, the tender notices themselves are often not sufficiently comprehesive and definite as regards the specifications, the time and conditions of delivery, arrangements for testing and penalty for breach of conditions. When large orders are placed, the terms agreed to are frequently not embodied in formal contracts and in case of violation of terms, Government are powerless to take suitable action. Lastly, when deliveries are made they are in most cases not carefully examined and tested and steps are not taken to verify that the terms and conditions have been adhered to and in cases of failure, to enforce the penalties. Penal clauses are also in many cases vague and indefinite. Inspection of the goods supplied is not insisted upon and is regarded as a mere matter of formality which results in indifferent compliance with the orders by the supplying firms.

4. Government consider that these defects can best be remedied by placing the responsibility in respect of all large purchases required for all the departments with one centralised organisation which will be in close touch with the departmental requirements and with the producers and manufacturers. A central organisation of this kind will also be useful in regard to foreign purchases by consolidating the requirements of all the departments in respect of foreign goods of the same description and quality, comparing prices in India with those in foreign countries, calling for simultaneous tenders in India and in England when considered desirable and generally in co-ordinating the work of the Home Agents with the requirements of the various departments.

5. The functions of such a central organisation will be as follows:—

(1) Consolidation and classification of indents for the purchase of stores, during every year, of all departments of Governments.

(2) Publication of information in as wide and effective

a manner as possible, as regards large purchases likely to be made on behalf of Government so as to elicit the most favourable terms as regards price, quality, delivery, etc.

(3) Being in close touch with the market conditions and with the wholesale manufacturers and dealers and supplying correct information to the various purchasing departments from time to time;

(4) Obtaining and comparing of quotations in consultation, whenever necessary, with the purchasing agents in England;

(5) Collection of correct and up-to-date information regarding Indian firms in general and Mysore local firms in particular, who are able to satisfy any of the requirements of the purchasing departments of Government;

(6) Supervision and check in respect of contracts and agreements and enforcement on the terms of the contract as regards delivery, prices, inspection, etc.

(7) Arranging for the inspection, in the course of manufacture of goods ordered;

(8) Arranging for prompt clearing, at ports, of goods ordered from foreign countries and instituting claims for losses in transit, etc.

(9) Making arrangements for carrying out tests of goods on delivery;

(10) Generally, serving as a co-ordinating agency for all purchasing departments as well as for inter-departmental purchases.

6. The Government consider that the above functions can best be performed by a committee presided over by a Member of Council and consisting of the Heads of the principal Departments and a few non-official representatives as members and with a whole-time Secretary.

7. The Stores Purchase Committee will accordingly be constituted as follows:-

President.

The Member in Council in charge of the Industries and Commerce Portfolio.

Members.

1. The Agent, Mysore Railways.
2. The Chief Electrical Engineer.
3. The Chief Engineer for Roads and Buildings.
4. The Chief Engineer for Irrigation.
5. The Director of Industries and Commerce.
6. The Senior Surgeon to the Government.
7. The Chief Commandant, Mysore State Troops.
8. Two non-official members elected by the Industries and Commerce Board of the Economic Conference.
9. One other non-official member to be nominated by the Government.

8. The President of the Committee will have power to co-opt the Head of any other Department whenever questions relating to purchases on behalf of such department have to be considered.

9. A list of supplies and services for each department, such as machinery, textiles, medicines and drugs, scientific apparatus, etc., will be prepared and the limit of value within which the Heads of Departments may make purchases without reference to the Committee is now fixed at Rs.1,000. The Committee will have jurisdiction over the purchase of goods of any one department beyond the limit prescribed as above and also over purchase of goods required in common by more than one department, if the total value of such goods exceeds a limit to be prescribed for the various classes of goods. All Heads of Departments are requested to submit to Government by the 15th November 1923 classified lists of all goods usually required by them and their proposals as to limits of values to be prescribed as above in regard to the various classes of goods.

10. It will be the duty of the Secretary to the Committee to ascertain the total requirements of each department under the various heads and consolidate them. He will also be responsible for obtaining independent information in regard to the purchases in general and will be the channel of correspondence with the firm of Consulting Engineers and Purchasing Agents in London.

11. No additional grants will be required to meet the cost of the Committee and the establishment, which will be met by a *pro rata* levy from the various departments on the total value of the stores purchased by the Committee for the departments.

12. Separate orders will issue as regards the appointment of Secretary to the Committee, the necessary establishment, the rules of procedure to be followed, the technical staff required for the inspection and testing and other matters connected with the work of this Committe. It should begin work from 1st November next.

13. Pending the re-constitution of the Industries and Commerce Board, Government are pleased to nominate Dewan Bahadur Mr. K.P.Puttanna Chetty and the President of the Chamber of Commerce, Mysore, as non-official members of the Committee.

K. MATTHAN,
Chief Secretary to Government.

To—The Heads of Departments.
The Comptroller to the Government of Mysore.
The Deputy Commissioners of Districts.
The Private Secretary to His Highness the Maharaja of Mysore.
The Secretaries to Government.
PRESS TABLE.

D. O. No. II93/35-36.

enc 2 files of Records &
and 3 written Statements

DISTRICT OFFICE PROSECUTOR.

Bangalore 28th May 193

Dear Mr Jaya Rao,

RE: O.S.No.II/35-36 on the file of the District Judge, Bangalore.

1034 28/5

After your D.O. letter No.P.7486 Law 127-35 dated the 18th instant, I have carefully considered the several aspects of the case discussed by us on the various occasions that we met. I have revised the written statements in the light of our discussions and am herewith resubmitting them for approval of Government. The case is posted to the 2nd June 1936 for filing the written statements in court. Two files of Records are sent herewith for your reference and return.

Yours sincerely,

N.R. Jaya Rao., Esq.,M.A.,LL.B.,
Assistant Secretary.

No. 1208
Enc. 35-36

Law M.V. 35-12

7354 835

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 28th May 193 6.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.No.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co.,Ltd., -VS- The Government and two others.)

31 MAY

Pool 2/6/36

I have the honour to state that as the drafts of the written statements in the above case involved a considerable amount of time and labour and study of numerous and voluminous documents and a visit to Mysore, may I request that at least half the Regulation fee be paid to me as a special case in this particular instance in advance. The case will take a long time before it is disposed off finally and for several years there will be no chance for me to claim my remuneration. I would be obliged if this fact can be brought to the notice of Government and a moiety of the fees (at least half) be paid early. Before the issues are framed I think I will have to go Mysore once more to decide and settle the list of documents to be filed on our side.

I have the honour to be,
Sir,
Your most obedient servant.

G. Doraswamy Iyer
Public Prosecutor.

Return of the main file with the connection when the application of the V.P. will be awaited.

JSD 6/6.

KHR.

Pool 6/6

7583
P 935

No. 1287/35-36.

Enc. .....

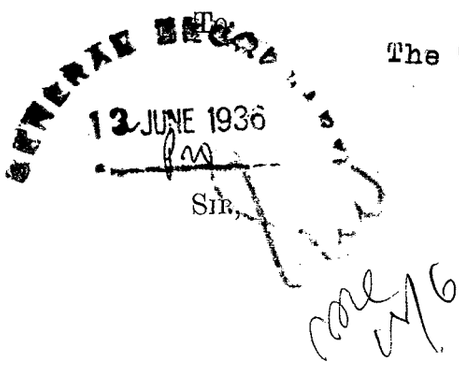
OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, ... 10th June *193* 6

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.



To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR,

O.S.No.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co., VS The Chief Secretary and others.)

I have the honour to acknowledge receipt of your letter No. P.8145 dated the 9th instant together with two files of records and written statements.

I invite your kind attention to my letter No.1044/5-36 dated 14-4-1936 wherein I have requested to advance a sum of Rs.50/- towards costs of engrossing the written statements, stamp on vakalath forms, applications postage, witness batta etc., etc., and request that the same may kindly be advanced very early to enable me to meet the expenses mentioned above. Copies of written statements filed in court will be sent in due course. The case is posted to 2-7-36 for filing written statement.

I have the honour to be,
Sir,
Your most obedient servant,

G S Doraswamy Iyer.
Public Prosecutor.

KHR.

7520 835

No. 1264

Enc. 31-38

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 8th June *193* 6

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: O.S.No.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co.,Ltd., VS Government and two others.)

In continuation of my D.O. letter No.II97/35-36 dated 26-5-36 sending the revised draft written statements in the above case, I have the honour to state that I have taken another adjournment for filing the written statement and the case has been adjourned to 2-7-1936. I request that written statements of the 2nd and 3rd defendants may be returned if approved by Government for sending the same to them for their signatures. The written statement of the Ist defendant may be returned with the signature of the Chief Secretary if approved by Government. The connected records may also be returned for reference.

I have the honour to be,
Sir,
Your most obedient servant,

G Doraswamy Iyer
Public Prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 8145/Sec 3 Stats & 2 files. Dated, Bangalore, 9th June 193

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

O.S. 11/35-36 on the file of the District Judge, Bangalore.

(Messrs. Narayanaswamy & Co., VS. Chief Secretary and others).

With reference to your letter No.1193/35-36 dated 28th May 1936, I am directed to return herewith duly signed by the Chief Secretary the written statement to be filed in the above case. The written statements to be filed on behalf of second and third defendants are also approved and may be got signed by them.

Copies of all these three written statements after being filed in court may kindly be sent here for reference along with copies of any reply that the plaintiff may file.

The two files of records sent are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSD

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No.

Serial No.

Diary No. of letter replied to.....

No. P 8145/Sec 3 Stats 2 Pets

To The Sr. Subr. Bar

05.11/3536 on the file of

the Dist Judge. Bar

(Messrs. Narayanaswamy Rao vs Ch. Seer

Jones)

General and Revenue Secretariat

( )

the *193*

Date of issue 9-6-36

Signed by Sec. R. & J.

Sir,

With reference to your

letter no. 1193/3536 dt 28.5.36. I

am directed to return herewith

duly signed by the Ch. Secy the

written statements to be filed in

the above case. The written statement

to be filed on behalf of 2nd and

3rd defendants are also approved

and may be got signed by them.

2. The two files of records

sent as enclosure returned.

I have the

List of enclosures.....

Copied by ...all Three written

Copies of these Statements

after being filed in court may

Examined by ...be sent here for

reference alongwith

copies of any reply that the plaintiff may file

PSR

9/6

WD 3601—GPB—30,000—23-9-35

PSR

9/6 Jnt Gen Secy

TSD 9/6.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Government Order No.P.5124-27 Law.127-35-6 dated 3rd February 1936 sanctioning the defence of the Suit O.S.11/35-36 on the file of the District Judge, Bangalore (Messrs. B.V.Narayanaswami & Co., Vs Government and others) on behalf of Government - suit to recover the value of cement alleged to have been supplied to the Executive Engineer, Irwin Canal, Mandya.

Letter No.1045/35-36 dated 14th April 1936 from the Public Prosecutor, Bangalore soliciting sanction of Government for an advance of Rs.50/- required for expenses connected with the defence of the suit.

Order No. P 8282-4 Law 127-35 & 13

Dated, Bangalore, 15th June 1936.
16.

Sanctioned. The Chief Engineer is requested to place at the disposal of the Public Prosecutor, Bangalore, a sum of Rs.50/- subject to its being accounted for and adjusted in full before the final disposal of the case.

for General Secretary to Government.

To

The Chief Engineer of Mysore,

The Public Prosecutor, Bangalore,

The Comptroller to Government.

ppendix F G—1]

5

SUBJECT.....

.....

.....

Section Law

File No. 117-35

Serial No. 1[illegible]

Diary No. of letter replied to.....

No. P8285.

To The Govt. Br'Line

05. 11 | 35-36 dt. re file of

re Dt. Judge Br' Line

(Mess. Dr. narayana Swamireo vs Govt rep

General and Revenue Secretariat

( )

the 193 .

Date of issue 16.6.36

Sir,

Signed by Mr. V.R.J.

With reference to

your letter no. 1108 | 35-36 dt 28.5.36

requesting for an advance payment of

~~to pay at least~~ half the

remuneration due in the above case,

I am directed to state

~~in reference to the G.O. no. P. 11738-34 Law~~

~~(Leg. 35-5 dated 10.10.35, and to~~

~~state that Govt find no~~

~~reason to relax the directions made~~

~~therein. Mrs Lenahan I am~~

to say that the request may be reviewed

~~to permit and that Govt may please~~

List of enclosures.....

Copied by .....

Examined by.....

~~an application~~ after the Case is fixed for evidence and some evidence is at least begun in the Court

I have seen

PDL 18/6

Jn Gen Secy 13/6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 8285 Law 127-35-16 Dated, Bangalore, 15th June 1936

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

O.S.11/35-36 on the file of the District Judge, Bangalore.

(Messrs.B.V.Narayanaswami & Co., VS Govt.& others).

With reference to your letter No.1208/35-36 dated 28th May 1936 requesting for an advance payment of half the remuneration due in the above case, I am directed to state that the request may be renewed after the case is posted for evidence and some evidence is begun in the Court.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

I

Plead
17/6/36.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary. No of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 16.6. 1936.

Signed by Mr. N.R.J.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 127-35

Serial No. 13

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no. 6. 5111-27 Law 127-35-6 dated 3.2.36 sanctioning the defence of the suit O.S. 11/35-36 on the file of the Dt. Judge. Bl. (Messrs. Bly. narayanaswami Reddy & Govt. & others) on behalf of Govt. — suit to recover the value of cement alleged to have been supplied to the Exptl. Engr., Sharavathi Canal, Honnali.

G.O. no. 6. 5775-6 Law 127-35-9 dated 28.2.36 ~~Order thereon. — No.~~ sanctioning the defence of the above suit on behalf of defendants 2 and 3.

Letter no. 1045/35-36 dated 14.4.36 from the Dt. Bl. Soliciting ~~in the circumstances stated~~ sanction of Govt. for an

advance of Rs 50/- required for expenses connected with

~~towards the Costs of Engraving the~~

~~written Document and other Expenses~~

~~Connected with the defence of the Suit~~

Order:- P 8282 dt 4.

Sanctioned the Ch. Engr

is requested to ~~place~~ place

at the disposal of the Sr. Br Offr

a Sum of Rs 50/- subject to it

being accounted for and adjusted

before the final disposal of the case

in full, ~~if not sooner~~

Sd

Genl Secy

18/6 TSD 19/6

To

the Ch. Engr

Sr. Br Offr

Comptroller

List of Enclosure

Copied by

Examined by

Law 10-36-1

776 of 36

No. 214/36-37

Enc. T.A. Bill and 2

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.

DISTRICT OFFICE BUILDINGS,

Bangalore, 31st July 193

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SECRETARIAT
1 AUG. 1936
P.20

Sir,

Adverting to G.O.No.P.5124-7/Law 127-35-6, I have the honour to state that I had been to Mysore to examine the records in the Mandya Cement defalcation case and sent my T.A. bill to the Comptroller for audit. The Comptroller returned the bill stating that the bill had to be countersigned by the controlling authority and in accordance therewith I submitted my bill to the Registrar, High Court for his countersignature. The Registrar of the High Court has returned the bill with his letter No.120/36-37 dated the 28th instant stating that the journey was performed under direct orders of Government, and that the controlling authority in this case was the General Secretary to Government. The original letter received from the Registrar is sent herewith together with the memo of the Comptroller.

Under the circumstances, I submit herewith my T.A. bill for favour of countersignature and return.

RECEIVED
11 AUG. 1936
259

I have the honour to be,
Sir,
Your most obedient servant

Public Prosecutor.

The T.A. Bill may be Countersigned

KHR.

Returned

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 1282

Dated, Bangalore, 18th August 1936.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

With reference to your letter No.214/36-37 dated 31st July 1936, forwarding a travelling allowance bill for the journeys made to Mysore to examine the records in the Mandya ~~Court~~ Cement cases, I am directed to return herewith the said bill with enclosures duly countersigned as desired.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

S.R.2

ppendix F G—1]

JBJECT.....

.....

.....

Section Law

File No. 10-36

Serial No. Q

No. P1282/Buck

To

The P.M. Bhore

Sir, ~~Navaja Consent Orphan Case~~ Civil

With reference to your letter no. 214/36-37, Dt 31-7-36 forwarding a T.A. Bill for the journey made to ~~on the~~ ~~purpose in connection with the defence~~ ~~above~~ subject, I am directed to return herewith the ~~same~~ Law bill duly signed ~~by the Genl Secy~~ with such counter-~~to Govt~~ as desired.

I have etc.

pp
16/8
for Genl Secy.

15/8

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 18.8.36

Signed by Mr. V.R.J.R.

to examine the records in the Navaja Consent cases

List of enclosures.....

Copied by .....

Examined by.....

18/8

XX 789 dated 2/10/86.

2106 P 86

Civil

Form No. 105

From The District Judge Bangalore Dtt, Bangalore 192

CHIEF SECRETARY Law 3 OCT. 1986

To The Chief Secretary to the Govt. of Mysore Bangalore

Sir,

XXX

I have the honor to forward herewith Criminal —— No,

Summons, in duplicate in OS 11/35-36 ——

of 192 , in the file of this Court, and to request, that you will be so good as to cause the duplicate to be served on ~~the individual therein named~~ self, and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. 27/09/86

A sum of Rs. 1-8-0 ———— ~~is herewith sent~~, being

witness batta is in court —

I have the honor to be,

Sir,

Your most obedient servant.

V. Krishnamurthy

WD 02024—GPB—9,250—16-7-29

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P 2279/Sm/

To

General and Revenue Secretariat

( )

the *193*

The District Judge

Bangalore Division

Sir, (O.S. 11/35-36
B.V. Narayanaswamy & Co. & Govt & Others

Date of issue 3/10/36

In returning herewith the Summons received with your letter No XX-789 dt 2-10-1936, I am directed to state that the documents ~~required to be produced before the Court in connection with the above Case~~ Summoned, namely, the documents produced (exhibited & unexhibited) in O.C No: 138 of 34-35 in the Court of the Magistrate are not in the custody of the undersigned

Signed by Jnr N.R.J. Rao

List of enclosures.....

Copied by .....

I have etc

Jnr

3/10

for Chief Secretary

Examined by.....

WD 03601—GPB—30,000—23-9-35

No P. 2280/Sm/

Copy to the Public Prosecutor, Bangalore with the duplicate of the summons, for information

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2279/Gen1 *Bangalore, Dated,* 3rd October 1936.

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The District Judge,
Bangalore Division.

Sir,

(O.S.11/35-36- B.V.Narayanaswami and Co.Vs.Government and others).

In returning herewith the summons received with your letter No.XX-789 dated 2nd October 1936, I am directed to state that the documents summoned, namely, the documents produced (exhibited and unexhibited) in C.C.No.138 of 34-35 in the Mandya Magistrate's Court are not in the custody of the undersigned.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- B.T.Kesavaiengar.

Chief Secretary to Govt.

I.T.O.

2249/36

No. 643/36-37

Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 7th October *193* 6

FROM G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To
The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

9 OCT. 1936
NL. & REV. SECTT.

O.S.No.II/35-36 on the file of the District Judge, Bangalore. (Messrs: B.V. Narayanaswamy & Co. -VS- The Government.)

I have the honour to acknowledge receipt of your letter No. P.2279 of the 3rd instant and to state that I appeared in court and explained the facts to the court. The case is posted to 16-II-1936 for filing ~~an~~ our list of documents.

I have the honour to be,

Sir,

Your most obedient servant,

G S Doraswamy Iyer

Public Prosecutor.

315-0 1936

No. 3104.6.

Enc.....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore, 24th November 193 6

FROM

Public Prosecutor,
Bangalore Division, Bangalore.

25 NOV 1936

To

The General Secretary
to the Government of Mysore
Bangalore.

SIR,

Re:- O.S.11/35/36
B.V.Narayanan & Co Vs. Chief Secretary & others.

I have the honour to state that in the above case a reference has been made by the District Judge to have it transferred to Mysore as the Judge is related to the 3rd defendant.

As I have prepared the pleadings which involve several points of law and as I have appeared on several dates of hearing and as I had to peruse and study numerous documents I request that at least half the ~~registration~~ regulation fee in this

P.T.O.

3479 p 836

No. 1712 K.S.S.
Encls.

IMMEDIATE.

OFFICE OF THE CHIEF ENGINEER OF MYSORE,
K. R. SAGARA WORKS.

Dated Bangalore, 9th December 1936.

Law 127-35-15

FROM

Diwan Bahadur
N. N. AYYANGAR, B.A., L.C.E., M.I.E. (India), I.S.E.,
Chief Engineer of Mysore (Krishnarajasagara Works),
BANGALORE.

To

GENERAL SECRETARY.
11 DEC. 1936

The General Secretary to Government,
(Law Section), Bangalore.

Sir,

Subject:- Claims of Messrs. B.V.Narayanaswami & Co.

I have the honour to inform you that the Public Prosecutor, Bangalore Division, has brought to notice that O.S.No. 11 of 1936-37 (Messrs. B. V. Narayanaswami & Sons Vs. Chief Secretary to Government and others) is likely to be transferred to Mysore and requests that arrangements be made for the conduct of the case there on behalf of Mr. N. Subba Rao, Defendent. I therefore request you will be so good as to instruct the Public Prosecutor, Mysore Division, to defend the Defendents 2 and 3 Messrs. N. Subba Rao and C. T. Narasimha Iyengar, Executive Engineers.

I have the honour to be,
Sir,
Your most obedient servant,

10/12/36

Chief Engineer of Mysore,
K. R. Sagar Works.

M.R.M.P.

Civil

Form No. 105

3479 / 1936

3500 / p 136

Xx 949

Law 127-35-16

193 .

From The District-Judge
Mysore

To The Chief Secretary
to the Government of Mysore
Bangalore

SIR,

I have the honour to forward herewith the 1st defendant's Summons, in duplicate in Original Suit No. 10 of 193 6. in the file of this Court and to request that you will be so good as to cause the duplicate to be served on the individual therein named and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. ie 21.12.36

~~A sum of~~ Rs. ~~is herewith sent, being~~

~~witness batta~~

Subd the connected file has been subd to the Govt Secy. Its return will be awaited.

I have the honour to be,
Sir,
Your most obedient servant,

District-Judge

WD 02533—GPB—2,588—25-4-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 15th December 1936.

No. P3873 Law 17-35-17
Rec'd

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The District Judge,

M y s o r e.

Sir,

I am directed to return herewith, with due endorsement of service thereon, notice in original in O.S.10 of 36-37 on the file of your Court- Messrs:B.V.Narayanaswamy and Co., Vs. Government and others-sent with your letter No.XX 949 dated -- and to state that the Public Prosecutor, Mysore has been instructed to appear for Government in the case.

I have the honour to be,

Sir,

Your most obedient servant,

BKR

For General Secretary to Government.

TSS.

Appendix F G–1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193

Date of issue 15-12-36

Signed by Mr BKR

List of enclosures.....

Copied by WMS 12

Examined by.....

Section Law

File No. 127 - 35

Serial No. 17

No. P3873/Sec 1

To

The Dist judge, Mysore

Sir,

I am directed to return herewith ~~with due endorsement of Service thereon duly signed by the Chief Secretary~~ the ~~defendant's summons~~ notice in original in O.S. 10 of 36 - 37 on the file of your Court Messrs B. V. Narayanaswamy & Co. sent with your letter No. ~~XX~~ Govt Dis 15 Stamps 949 dated ..... and to state that the Public Prosecutor, Mysore has been instructed to appear for Government in the case.

I have the honor to be,
Sir,
Your most obedient servant,

BKR 14/12 for Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 3874 Law 12-35-18 Bangalore, Dated, 15th December 1936.
Sec I

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,

MYSORE.

Sir,

I am directed to forward herewith the duplicate of the notice in O.S.10/36-37 on the file of the District Judge, Mysore (Messrs:B.V.Narayanaswamy & Co., Vs. Government and others) and to request you to appear for Government and defendants 2 and 3 in the case on 21st December 1936 the date to which it stands posted for hearing and do what is necessary in the matter.

Any further information may be obtained from the Public Prosecutor, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

BWR

General Secretary to Government.

TSS.

Appendix F G–1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No. 18

Diary No. of letter replied to.....

No. D3874/Secl

To

The Public Prosecutor, Mysore

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 15.12.36

I am directed to forward herewith the duplicate of the ~~defendant's summons~~ notice ~~and the copy of the plaint~~ in O.S. 10/36-37 on the file of the Sh.Jd, Mysore (Messrs B.V. Narayanarao & Co Vs Govt & others) and to request you to appear for Government in the case on 21-12-36 and defendants 2 and 3 the date to which it stands posted for hearing and ~~obtain a month's adjournment to enable necessary orders being obtained in the matter of defending the suit. Intimation of the adjourned date of hearing may be sent in due course.~~ take necessary steps in the matter.

Signed by Mr. B.K.R.

do what is need ~~do in need~~

Any further information may be obtained from the P.P., B'lore

I have the honor to be,

Sir,

Your most obedient servant,

List of enclosures..... Nil 14/12

Copied by..... 15/12

14.12 for Secretary to Government.

Examined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 23 December 1936

No. P 4027.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

Re: O.S.11/35-36 on the file of the District Judge, (B.V.Narayanaswamy & Co., VS Government).

With reference to your letter No.1006, dated 24th November 1936 in regard to the above, I am directed to state that the question of remuneration due to you will be considered after the case is disposed of.

I have the honor to be,
Sir,
Your most obedient servant,

BRR

for General Secretary to Government

S.R.2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue.....23.12.36.....

Signed by .....Asst. B.K.R.....

List of enclosures.....

Copied by .....

Examined by.....

24/12

Section Law

File No. 127-35

Serial No.

No. P 4427

To

The P. Pr., B'lore

Re: O.S. 11/35-36 on the file of the Dist. Judge, B'lore (B.V. Narayanaswamy & Co. Vs Govt.)

Sir,

With Reference to your letter no 1006, dated 24-11-36 on in Re: the above, I am directed to State that the question of ~~the payment or~~ half Registration fee remuneration due to you claimed by you will be Considered after the Case is disposed of.

I have etc:

BKR

for Genl Secy:

3500
Issue 21/12
Law 1935

3617/32
P

WD 0249—GPB—25,000—1-10-36

193 .

From The Public Prosecutor,
Mysore division,
Mysore

To The General Secretary
the Govt. of Mysore
Bangalore

Dated

Despatched 19/12/36.

Received

General No. 793.
No.

Enclosure No. one

GENERAL SECRETARY.
21 DEC. 1936
for

ABR

Sir,

O.S. 10/36-37 on the file of District Judge, Mysore (B.V. Narayana Swamy & Co. #. Chief Secretary + 2 letters)

With reference to your letter No. P 3874 Law 127-35-1 dated 15-12-36 forwarding the notice in the marginally noted case for necessary action, I have the honour to submit herewith the Vakalat for signature of the Chief Secretary + return

I have the honour to be,
Sir,
your most obedient servant,
(C.P. Poovaiah Avl.)

Public Prosecutor
Mysore division.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 37 4138 Sec/1

Dated, Bangalore, 31st December 1936.

2/1/37

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,

Mysore.

Sir,

O.S.10/36-37 on the file of the Dt.Judge,Mysore, B.V.Narayanaswamy and Co., Vs.Government.

With reference to your letter No.793 dated 19th December 1936 in regard to the above case, I am directed to return herewith the Vakalat duly signed by the Chief Secretary.

I have the honor to be,

Sir,

Your most obedient servant,

BKR

For General Secretary to Govt.

c.r.2

Appendix F G—1]

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P4138/Sec 1.

To

The D. F.

Mysore

General and Revenue Secretariat

( )

the *193*

C.S 10/30-37 on the file of the Dist. Judge Mysore B. V. Narayanaswamy vs the Court

Date of issue 2.1.37

Sir,

Signed by Mr. B.K.R.

With reference to your letter No 793 of 19/12/36 in regard to the above case, I am directed to return herewith the Vakalat duly signed by the Chief Secy.

I have etc

for 28.12

for Sd. Secy

List of enclosures.....

Copied by 31/12 Secy

Examined by.....

WD 03601—GPB—30,000—23-9-35

3500/3617

3837/P

NO. 1317

Office of the Public Prosecutor,
Bangalore Division,
Bangalore, dated 4th January 1937.

From

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor, Bangalore.

GENERAL SECRETARY.
5 JAN. 1937

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

Sir,

RE: O.S.No.II/35-36 on the file of the District Judge, Bangalore. (B.V. Narayanaswamy & Co. -VS- Government)

With reference to your letter No.P.4027 of the 23rd December 1936, I have the honour to state that the case is transferred from this Division and so far as this office is concerned the case is disposed off. Since it will be very difficult for me to keep in touch with the progress of the case in Mysore I request you to be good enough to consider whether the question of my remuneration cannot be dealt with earlier if possible.

I have the honour to be,

Sir,

Your most obedient servant,

Doraswamy Iyer

Public Prosecutor.

3856/p636

No. 1333
Enc. Local gadget No. 2475
File No. 190-34
Sl. No. 1-4.

Office of the Public Prosecutor,
Bangalore Division,

Bangalore, dated 6th January 1937.

From

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor, Bangalore.

GENERAL SECRETARY.
6 JAN. 1937

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

Sir,

Re: O.S.No.II/34-35 on the file of the District Judge, Bangalore. (B.V. Narayanaswamy & Co., -VS- Government.)

I have the honour to state that as the case is transferred to the District Court of Mysore, ~~and~~ the records of the case are sent herewith for such further action being taken as Government may deem fit under the circumstances of the case.

I have the honour to be,

Sir,

Your most obedient servant,

G. Doraswamy Iyer

Public Prosecutor.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P4367/Secl Files *Bangalore, Dated,* 9th January 1937

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Mysore.

O.S.10/36-37 on the file of the District Judge, Mysore (Messrs. B.V.Narayanaswamy & Co., vs Government).

Sir,

I am directed to forward herewith the following records for your reference in the above case:-

(1) Stores Purchase Committee Local Indent No.2475.

(2) Law File No.190-34 sls. 1-4.

The files may be returned when no longer required.

I have the honor to be,
Sir,
Your most obedient servant,

BMR

General Secretary to Government.

S.R.2

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127 - 35

Serial No.

Diary No. of letter replied to.....

No. P4787/Suc 2 file sent by Regd Post.

To

The P. Pr, Mysore

O.S. 10/36-37 on the file of the Dist. judge, Mysore (Messrs B.V. Narayanaswamy & Co. Vs Govt.)

Sir,

I am directed to forward herewith the following records for your reference in the above case:-

(1) Stores Purchase Committee Local Indent No 2475

(2) Law file No. 190-34 Sh 1-4

The files may be returned when no longer required.

I have etc.;

for Govt Secy

General and Revenue Secretariat

( )

the *193*

Date of issue 9.1.37

Signed by Dr. BKR

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 4488

Bangalore, Dated, ~~11th January~~ 12 1937.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

~~Sir~~,

SUBJECT:- O.S.11/35-36 on the file of the District Judge, Bangalore (Messrs. B.V.Narayanaswamy and Co., vs Government).

Sir,

With reference to your letter No.1317 dated 4th January 1937 requesting that the question of your remuneration in the above case be dealt with earlier, I am directed to state that as already ordered the question of apportionment of fees will be considered after the disposal of the case. I am to invite your attention in this connection to Rule 54(3) of the Rules for the conduct of Legal affairs of Government.

I have the honor to be,
Sir,
Your most obedient servant,

General Secretary to Government.

S.R.2

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127 - 35

Serial No.

Diary No. of letter replied to.....

No. P44387

To

The P. Pr., Bllore

O. S. 11/35-36 on the file of the Dist. Judge, Bllore (Messrs. B. V. Narayanaswamy & Co. Vs Govt.)

General and Revenue Secretariat

( )

the 193

Date of issue 12.1.37

Signed by Mr. BKR

Sir,

With reference to your letter no 1317, dated 4-1-37 requesting that the question of your remuneration in the above case be dealt with earlier, I am directed to state that as already ordered the question of apportionment of fees will be considered after the disposal of the

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

Case. I am to invite your
in this connection
attention to Rule 57 (3) of the
Rules of for the Conduct of Legal
affairs of Govt.

I have etc

MMR

for Gen'l Secy.

43/P83

Please refer to this Office Indent No. in all your correspondence.

GOVERNMENT OF MYSORE.

STORES PURCHASE COMMITTEE.

Tel. Address: "STORESEC"
Code: "Bentley's."

OFFICE OF THE SECRETARY,
STORES PURCHASE COMMITTEE,
PUBLIC OFFICES.

No. S. P. C. 957 / Que 3

Bangalore, dated (S. India.) 9th July 1937.

To

The General Secretary to
The Government of His Highness the
Maharaja of Mysore,
BANGALORE.

GENERAL SECRETARY. 10 JULY 1937

Sir,

O.S. 10/1936-37.
Messrs. B. V. Narayanaswami & Co.,
Vs.
Government of Mysore.

I am directed to forward herewith a copy of letter No.XX.34 together with the summons in duplicate in original received from the District Judge, Mysore Division, Mysore, calling for the following papers:-

(a) Agreement dated 5th October 1933 entered into between the Secretary, Stores Purchase Committee on behalf of Government of Mysore with Messrs. B. V. Narayanaswamy & Co., for supply of cement,

(b) Office copy of the Local Indent No.2475 dated 3rd August 1933 addressed to Messrs. B. V. Narayanaswamy & Co.

(c) Letter dated 9th January 1935 from Messrs. B. V. Narayanaswamy & Co., to the Secretary, Stores Purchase Committee, Bangalore.

As the file containing the papers viz., Local Indent 2475 has been sent to Government with this office letter No. 13847 dated 15/17th February 1936, the papers asked for may be kindly caused to be sent direct to the District Judge, Mysore.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary,
Stores Purchase Committee.

R.D.

SECRETARY,
Stores Purchase Committee,
Government of Mysore.

Letter No.XX.34 dated nil from the District Judge, Mysore Division, Mysore, to the Secretary, Stores Purchase Committee, Bangalore.

I have the honour to forward herewith witness summons, in duplicate in Original Suit No.10 of 1936 in the file of this court and to request that you will be so good as to cause the duplicate to be served on the individual therein named and the original returned to this court with due endorsement of service thereon, on or before the date of hearing, i.e. 19th July 1937.

A sum of Rs 4-0-0 witness batta will be paid in court.

"C O P Y"

Secretary,
Stores Purchase Committee.

R.D.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Immediate

No. P 194

Dated, Bangalore, 12th July 1937.
13

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Mysore Division,
Mysore.

Sir,

O.S.10/36-37 on the file of the District Judge, Mysore (Messrs B. V. Narayanaswamy and Co., vs. Government)

I am directed to invite reference to this office letter No. P. 4367 dated 9th January 1937 forwarding two files for reference in the above case and to request you to return immediately direct to the Secretary, Stores Purchase Committee his office file regarding Local Indent No.2475 as summons have been issued to him by the District Judge, Mysore for the production, on 19th July 1937, of certain papers contained in that file.

Intimation of the action taken in this behalf, may be sent to Government, for information.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. M. Venkatesa Iyengar

for General Secretary to Government.

Memo No.

Copy of the above is forwarded to the Secretary, Stores Purchase Committee for information, with reference to his letter No.SPC.957 dated 10th July 1937. Further action may be taken on receipt of the file from the Public Prosecutor, Mysore. The summons received, with his letter, are herewith returned.

By Order,

for General Secy

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue..... 13.7.37

Signed by ..... Dns. BKR

F.C.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P194

To

The PP^rr, Mysore Dn

Mysore

O.S.10/36-37 on the file of the Distt Judge, Mysore (Messrs. B.V. Narayanaswamy & Co Vs Govt.)

Sir,

I am directed to invite reference to this office letter No. P.4367 dated 9.1.1937 forwarding two files for reference in the above case and to request you to return them immediately direct to the Secy S.P.C his office file - re Local Indent No. 2475 as Summons have been

issued to him by the Distt Judge
Mysore for the production, on (5.7.37),
of certain papers contained
in that file.

Intimation of the action taken in this behalf may be sent to Govt. for information.

I have etc.

BKR

for Genl Secy

No. P195. (Peace) dt 13.7.37

Copy of the above is
forwarded to the
Secy S. P. C. for information with ref to his letter SP 695/37 dt 10.7.37.
Further action may be taken
on receipt of the file
from the P.P.R. Mysore.
The Summons received
with his letter are herewith returned.

BKR

for Genl Secy

KR

404/837

From

The Public Prosecutor
Mysore Division
Mysore.

To

The Secretary,
Store purchase Committee
Bangalore.

GENERAL SECRETARY.
17 JULY 1937
BKR

Dated 16-7-37
Despatched. 16-7-37.

No. 60
Encl.

Sir,

With reference to the General Secretary's letter No. P194 dated 12/13th July 1937, I have the honour to forward herewith your office file regarding local Indent No. 2475 and request you to kindly acknowledge

404/37

receipt of the same

I have the honour to be,
Sir,
your most obedient servant
(Sd) K. Ramaswamy
Public Prosecutor
Mysore Division

No. 61

Copy of the above submitted to the general secretary to the Govt of H.H. the Maharaja of Mysore, Bangalore for information, with reference to his letter No. P 194 Dt/ 12/13 th July 1937

K Ramaswamy

Public Prosecutor
Mysore Division

Submitted for perusal
DSR
19/7

19/7

Sec C
19-7-37

J 132/37

No. 233
Encs

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 28.8. 1937

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of H.H. the Maharajah of Mysore, Law Department Bangalore.

GENERAL SECRETARY. 25 AUG. 1937

Subject:— O.S. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co vs Chief Secretary and 2 others). on the file of the District Court, Mysore.

Sir,

I have the honour to report that the above suit has been adjourned to 20.9.1937 for reporting to Court the admission or denial of a number of documents mentioned in the list filed. Copy of the lists of documents has been given to me. The original documents will be traced with the help of Executive Engineer Irwin canal Division and inspected. If for any reason any document appears to be a privileged communication or other confidential document which the Government may not like to be published, the Permission of the Government will be solicited. A further report will be submitted before admitting or denying the genuineness of the several documents mentioned in the list.

Submitted for perusal.

27/8

DNR
27.8

Sup C
27-8-37

I have the honour to be
Sir,
Your most obedient Servant

R. Ramaswamy

Public Prosecutor

1169 p827

No. 212
Encs.

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 16th Aug. 1937.

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Section, BANGALORE.

GENERAL SECRETARY.
18 AUG. 1937

Subject:— O.S.10/36-37 (Narayanaswami & Co. Vs Chief Secretary to Government and two others) on the file of the District Judge, Mysore.

Sir,

I have the honour to report that the above-noted case has again been adjourned to 23-8-1937. The plaintiff has taken the adjournment in order to file a list of documents which he wants the defendants to admit or deny. The plaintiff's advocate wanted time to inspect all the records filed in the Irwin Canal Division Cement Defalcation cases to pick up the documents that he wants to be admitted or denied. I declined to allow him to make a general search of the records which, by the way, are supposed to be in my custody at present either in the Department or the several criminal courts in which I have filed them as exhibits. The Court has ordered that the plaintiff must file the proposed list of documents on or before the 23rd instant.

I have the honour to be,
S i r,
Your most obedient servant.

Public Prosecutor,
Mysore Division.

Submitted for perusal

19/8

19.8

19-8-37

1911/P/37

No. 376.
Encs.

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 21.9.1937.

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore

GENERAL SECRETARY
23 SEP. 1937
No.

Subject:— O.S. No. 10 of 36-37 (Veeranna Vs. Narayanaswamy & Co. Vs Chief Secretary and 2 others) on the file of the District Court, Mysore.

BAR

Sir,

I have the honour to report that the above-cited case has been adjourned to 28-9-37 to enable the defendants to inspect the documents and to admit or deny their genuineness. All the documents required by the plaintiff are traced & made available to him.

I have the honour to be
Sir,
Your most obedient servant

K. Rangaswamy
Public Prosecutor

Submitted for perusal.
The main file has been sent to the Chief Engr. on 17-9-37.

24/9

BAR
24.9

202/37

No. 422
Encs.

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 28.9. 1937

From

The Public Prosecutor,
Mysore Division,
MYSORE.

GENERAL SECRETARY
30 SEP. 1937

To

The General Secretary to the Government of H.H. The Maharaja of Mysore, Law Section, Bangalore.

Subject:— O.S. No. 10 of 36-37 (B. V. Narayanaswamy to Messrs Chief Secretary & others) on the file of the District Court of Mysore.

Sir,

I have the honour to report that the above matter has been adjourned to 26.10.1937 as the records are retained in the City Magistrate's Court in connection with the prosecution of receivers of stolen property. The Superintending Engineer and the Executive Engineer have been addressed to come and see the documents to admit or deny their genuineness.

Submitted for perusal.
The connected file is before the Chief Engineer who has been requested to cause the return of the file early.

1/10

1.10

I have the honour to be
Sir,
Your most obedient servant.

K. Ramaswamy
Public Prosecutor.

2172-37
P

U.O. No. 37

GOVERNMENT OF MYSORE

IMMEDIATE.

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE, KRISHNARAJASAGARA WORKS,

Dated Bangalore, 2nd October 1937

Dear Sir,

Subject:- U.O. No.P.36 of 37 dated 17-9-37 (1757/P of 37) - Re.- O.S. No. 10 of 36-37 on the file of the District Court, Mysore, (Messrs.B.V. Narayanaswamy VS. Government).

I am in receipt of your un-official memorandum No.P.1893 dated the 30th September 1937, on the above subject.

2. A copy of the petition dated the 15th September 1937 (Plaintiffs Messrs. B.V. Narayanaswamy & Co.,) has been forwarded to the Superintending Engineer, Irrigation Circle, Krishnaraj Sagar Works, Mysore, for furnishing his views on the petition and that officer has this day been reminded to expedite the report. On receipt of this, the file will be returned to you with my views thereon.

Yours sincerely,

2.10.37

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government,
Bangalore.

Subd. for perusal.

6/10

6.10.37

2/10/37

6/10

No. 541
Encs.

Office of the Public Prosecutor,
Mysore Division, Mysore.

Dated 6.11.1937.

12580
6/11

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore Legal Section
Bangalore

GENERAL SECRETARIAT
8 NOV. 1937

Subject:— C.C. 10/36-37 (Messrs B.V. Narayanaswamy & Co & 8 Chief Secretary & 2 others) on the file of the District Court of Mysore.

Sir,

I have the honour to state that the above noted case stands adjourned to 29.11.1937 for evidence.

We have to file our list of witnesses before the 15th instant.

The Secretariat file forwarded to this office does not contain copies of pleadings & issues. The Public Prosecutor Bangalore Division intimates that the records that were in his office were submitted to Government when the suit was ordered to be transferred to the file of District Court of Mysore. The Secretariat file contains a copy of the plaint submitted to Government by the Plaintiff along with the Statutory notice under Sec. 80 C.P.C.

If the copies of the plaint, written statements, statements in reply and of the issues are available in the Secretariat they may kindly be forwarded to this office immediately.

I have the honour to be
Sir,
Your most obedient Servant

Public Prosecutor.

Ffs. date → 15-11-37.
Subd with a dft to the P.P., Mysore forwarding copies of Pleadings & Issues.

9/11

TYPING SECTION
9. NOV. 1937
GENL. SECRETARIAT

9.11

No. P. 2463, dy 10-11-37

Appendix F G—1]

Immediate

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 10. 11. 37

Signed by M. BKR

Please make a copy of Flags W, X, Y.

List of enclosures.....

Copied by .....

Examined by.....

Section Law

File No.

Serial No.

No. P2463/Secr 3

To

The Public Prosecutor
Mysore

O.S. 10/36-37 on the file of the Dist. judge, Mysore (Messrs B.V. Narayanaswamy & Co vs Chief Secy and others.)

Sir,

I am directed to forward herewith copies of Plaint, Written Statement and Orders filed in the case, as desired in your letter no. 5741, dated 6-11-37. As the Reply Statement filed by the Plaintiff is not available in the Secretariat file I have the

BKR

for Gen: Secy

WD 0521—GPB—30,000—12-3-37

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. of 1935-36.

Messrs. B.V.Narayanaswami & co., Cement Suppliers, 42, Arcot Srinivasachar Street, Bangalore City - by Proprietors., B.V.Narayanaswami and K.R.Srinivasan. — Plaintiffs.

c/o Mr.M.Krishnamurthi, Advocate, Cottonpet, Bangalore City.

-Vs-

1. The Government of Mysore by the Chief Secretary, Bangalore.
2. Mr.N.Subba Rao, Executive Engineer, Kolar Division, Kolar.
3. Mr.C.T.Narasimha Iyengar Executive Engineer, Irwin Cannal Division, Mandya. — Defendants.

Under Order VII Rule 1, of the Code of Civil Procedure.

1. For purposees of services of court notices etc., plaintiffs address is given above.

2. Plaintiffs are a firm of Contractors doing business chiefly in cement.

3. The Government of Mysore Defendant No.1 abovenamed acting through the Secretary, Stores Purchase Committee, Bangalor placed an order with plaintiffs for the supply of about 250 tons of "Char Minar" Brand Cement during 1933-34 on requisitions made by certain specified Government Officers. Amongst the Officers so specified are the Executive Engineers of all Divisions. The said Government Order bears Local Indent No.2475 dated 3rd August 1933 on the files of the Office of the Secretary Stores Purchase Committee.

4. In pursuance of the said Order, Plaintiffs supplied cement from time to time as per indents placed with plaintiffs by the Executive Engineer, Cannal and Project Division, Mandya, through Railway Consignments, the relative papers and documents

thereof

thereof being addressed to the said Executive Engineer.

5. According to the terms of the said Government Order Plaintiffs have to send the Bills of costs for supplies made to the indenting officers and the officers concerned are to arrange payments therefor. In the course of their dealings plaintiffs have almost invariably presented their bills of costs for collection through the Bank of Mysore, Ltd.,Bangalore.

6. Up till 30-7-34, Fourteen indents have been received by plaintiffs for supply of cement from the Executive Engineer, Mandya and every one of the indents has been duly complied with. A full statement of account relating to the said indents, with detailed particulars regarding each of them has been sent to Defendant No.3 abovemamed in response to his office requisition No.721 dated 28.9.1934. In the matter of three of the said 14 indents, payments due to plaintiffs have been with-held though supplies have been made by plaintiffs in accordance with the indents and the bills of costs therefor have been sent in due course through the Bank of Mysore Ltd., Bangalore. The required particulars relating to the said three Indents are given in schedule "A" hereunder in a classified form for purposes of references and easy verification. The present suit claim relates to the said three indents.

7. The balances of amounts due on the bills relating to the said three indents is Rupees 8009-4-0 only exclusive of interest. Defendant No.1, is liable to plaintiffs for the said amount. In reply to plaintiff's letter addressed to the Secretary, Stores Purchase Committee regarding the non-receipt of the amounts due on the said three indents, the Committee have expressed their inability to interfere in the matter on the

the allegation that the Executive Engineer says that the goods were not indented for or redeived by him. The Executive Engineer' said allegation being demonstrably untrue and inaccurate as per the written indents under the very signatures of defendants Nos. 2 and 3 the successive Executive Engineers, Mandya plaintiffs h have been obliged to make defendants Nos. 2 and 3 also parties to the present proceedings.

8. Of the said three Indents, Indents Nos.565/30-9-33 and 1039/11-11-33 have been placed with plaintiffs by defendant No. 2 and Indent No.193/25-7-34 by defendant No.3.

(i) Indent No.566 is for 40 tons of cement. According to the indent, plaintiffs have supplied all the 40 tons in lots of 200 bags. Plaintiffs have presented 4 bills of Rupees.730/- each through the Bank of Mysore Ltd., for the 40 tons supplied. The amount of Rs.2920/- due on these four bills has not yet been paid, though the bills were sent during October and November 1933.

(ii) Indent No.1039 was for 60 tons by defendant No.2. 52 tons have been supplied by plaintiffs as directed by the indent. 4 bills were sent for the moneys due thereon. Three of them have been honoured by defendants Nos.1 and 2 by payments through Bank. One Bill for Rs.730 has not yet been honoured, though the bill was sent on 17.3.1934.

(iii) Indent No.193 was for three waggons of cement by defendant No.3. All the waggons of cement have been supplied as requisitioned. A sum of Rs.4359-4-0 only is due for the supplies made. The bill therefor was presented on 30.7.1934. The amount has not been paid

There is thus a sum of Rupees 3650/- due to plaintiffs on the two indents placed by defendants Nos.2 and a sum of Rs.4359-4-0 on the one Indent placed by defendant No.3 the total sum due being Rs.8009-4-0 exclusive of interest.

9. Plaintiffs state that moneys justly due to plaintiffs goods actually supplied to defendants as set out above have been withheld on untenable grounds. Defendants are liable to pay interest on the unpaid amounts at one per cent per mensem according to the trade usage. The interest that becomes due is Rs.1330/- in round figures untill date of suit as per statement of accoun

account/s given hereunder in Schedule "B". The suit amount not having been paid, inspite of plaintiffs earnest attempts to avoid unpleasantness in the matter, they are obliged to seek the help of law against defendants.

10. Plaintiffs have notified to defendants of the suit claim as required under section 80 of Civil Procedure Code All the requirements of law have been complied with, in the matter of two months' notice to defendants. To plaintiffs' notice dated 10th May 1935 through their Lawyers, defendant No. 1 sent a reply on 5.8.1935; stating that the matter was receiving attention and the decision of Government would be communicated in due course. More than 2½ months thereafter, defendant No.1 was pleased to send another reply on 24.10.1935 revoltingly contrary to actual facts, while defendants Nos.2 and 3 have not till now sent any reply at all. The supplies having been made in response to written orders of defendants Nos.2 and 3 plaintiffs are entitled to look to the said defendants No.2 and 3 individually for the payment of moneys due on their respective orders.

11. The cause of action for the suit amount arose from and subsequent to the several dates of supplies noted in Schedule "A" hereunder made by plaintiffs to defendants in pursuance of 1st defendant's order and in accordance with the Indent orders of defendants Nos.2 and 3 at Bangalore City within the jurisdiction of this Hon'ble Court.

12. For purposes of jurisdiction and court fee the suit is valued at Rs.9340/- only and a court fee of Rs.575-0-0 is paid thereon.

13. Prayer for Judgment:-

Plaintiffs pray for a decree in their favour against defendants in a total sum of nearly Rs. 9340/- only with all court costs, current interest and such other reliefs as -- plaintiffs may be entitled to, in Law and Equity, on facts found in the case.

Plaintiffs beg leave to reserve their right for the recovery of damages from defendant No. 3 abovesaid in separate court proceedings, on account of 3rd defendant's wrongful conduct in having given untrue and misleading information to the Bank of Mysore Ltd., touching the cement supplied and thereby causing loss of business reputation, moneys, etc., to plaintiffs.

Almost all the original documents relating to the suit claim have been taken away by the Police authorities for purpose of prosecuting a criminal charge against some officials of the Irwin Canal Division Engineering Department, Mandya, and the said documents will be caused to be produced in the course of the present proceedings.

Bangalore.
Dated 13-12-1935. Plaintiffs.

Advocate for Plaintiffs.

Verification.

We, B.V. Narayanaswami and K.R. Srinivasan of Plaintiff's Company do hereby declare that what is stated above in paras 1 to 13 is true to the best of our knowledge and belief.

Bangalore.
Dated 13-12-1935. Plaintiff.

Schedule A.

Indent No. and date.	Quantity ordered.	Date of supply & bill.	Quantity supplied.	Bill amount.	Now Bills sent.	Remarks.
566/30-9-1933.	40 tons	2-10-33	200 bags	730/-	Through Bank of Mysore.	Payment not received.
		16-10-33	200 bags	730/-	-do-	-do-
		31-10-33	200 bags	730/-	-do-	-do-
		25-11-33	200 bags	730/-	-do-	-do-
1039 11-12-33	60 tons 1 waggon of 22/23 tons and the est 200 bags.	20-12-33	1 waggon 22 tons.	1457/8/-	-do-	Payment received.
		27-1-34	200 bags	730/-	-do-	-do-
		13-2-34	200 bags	730/-	-do-	-do-
		17-3-34	200 bags	730/-	-do-	Payment not received.
193 26-7-34	Three waggons	30-7-34	3 Waggons 65 tons & 16 Cwts.	4359-4-0	-do-	-do-

Schedule B.

Date of Bill.	Bill amount.	Interest at 12½% per annum after one month from the date of bills.	Interest amount.	Total amount.
2-10-33	730/-	2-11-33 to 30-11-35	182-8-0	
16-10-33	730/-	16-11-33 to -do-	178-8-0	
31-10-33	730/-	31-11-33 to -do-	175-8-0	
25-11-33	730/-	25-12-33 to -do-	168-8-0	
17--3-34	730/-	17--4-34 to -do-	142-8-0	
30--7-34	4359-4-0	30--8-34 to -do-	654-0-0	
			1501-8-0	
		Less interest received.	176-0-0	
	8009-4-0		1325-8-0	9334-12-0

C O P Y.

for General Secretary to Government

W.S. filed in court on 4/7/36

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. II/35-36.

Messrs. B.V. Narayanaswami & Co., Cement Suppliers, 42 arcot Srinivasachar Street, Bangalore City by Proprietors:- B.V. Narayanaswami and K.N. Srinivasan. | Plaintiffs.

- VS -

1. The Chief Secretary to the Government of Mysore, Bangalore.

2. Mr. N. Subba Rao, Executive Engineer, Kolar.

3. Mr.C.T. Narasimha Iyengar, Executive Engineer, Irwin Cannal Division, Mandya. | Defendants.

The first defendant abovenamed files the following written statement:-

1. This defendant does not admit the correctness of the allegations stated in para 3 of the plaint. The "order of Government" dated 3-8-1933 referred to in the said paragraph is really a letter written by the Secretary of the Stores Purchase Committee and it refers to a formal agreement being drawn up between parties which as a matter of fac was drawn up and entered into between the parties on 5-10-1933 The defendant submits that the rights of the parties must perforce be governed by the contract of 5-10-1933 and that no suit can be maintained on the letter or order dated 3-8-1933.

2. The

2. The plaintiff must if he so chooses elect to base his suit if at all on the contract. The suit as brought on the letter or order of 3-8-33 ought to be dismissed in limine because that did not conclude any contract between the parties. The contract of 5-10-1933 entered into between the plaintiff and the then Secretary, Stores Purchase Committee, is annexed herewith and the defendant prays that it may be read as part and parcel of these pleadings.

3. This defendant submits that the plaintiffs having entered into a contract with the then Secretary of the Stores Purchase Committee. their suit if any must be framed in such a way as to include the signatory to the contract and not in the present form in which it has been ~~fra~~ framed. The suit as framed is not maintainable in law.

4. This defendant does not wholly admit the correctness of the allegations in para 5 of the plaint. The plaintiffs must sue for the moneys alleged to be due either from the parties who are responsible under the terms of the contract annexed herewith or from the parties who have had the use and benefit of the goods supplied. These latter who are known to the plaintiffs are necessary and proper parties to the suit.

5. This defendant submits that unless and untill he has demanded payment under the contract , no cause of

action

action has accrued to him and no suit is maintainable. This defendant submits that the letter of 3-8-1933 mentioned ~~herein~~ in the plaint gives no cause of action to the plaintiss against this defendant and that the suit has to be dismissed.

6. The indents referred to in para 6 of the plaint are all not indents placed under the contract nor were the supplies made in ~~pursuance~~ of the contract. The defendant submits that the reference to the 14 indents are irrelevant to the matter in question as the period of the contract was only ~~from~~ from 3-8-33 and 3-8-1934 and any indents or supplies made must be within the period prescribed in the contract.

7. This defendant without waiving any of the pleas referred to above pleads on the merits as hereunder set forth.

8. The defendant denies that the indents referred to in para 6 or any of them were placed by the officers of Government or that the supplies have been made in accordance therewith to them or that any bills were sent to them as stated in the plaint. The indents referred to were not the indents of the Executive Engineer, Mandya. This defendant further avers that the officers referred to neither placed the indents in question nor received the supplies as alleged. The plaintiffs could with ordinary and reasonable care

and

and diligence have discovered that the orders were not the orders of the persons who purported to place them. The supplies were not to the knowledge of the plaintiffs received by the officers in question. Assuming but not conceding that the indents are to be treated as genuine, the supplies were not made in accordance with the terms of the indents themselves.

9. This defendant states that the orders or indents in question were forged ones and that no payment is due thereunder and that no claim is maintainable thereon.

10. This defendant in the alternative pleads that it has reason to suspect that the plaintiffs were aware of the fact of the indents being forgeries and that no supplies were actually received by the officers in question. Under the circumstances the plaintiffs are estopped from setting forth any claim based on the indents referred to. There is reason to believe that the plaintiffs have acted in collusion with certain persons known and unknown in order to receive certain moneys from this defendant.

11. This defendant or its agent never received the supplies referred to in the indents mentioned in Schedule 'A' to the plaint for which payment is claimed and therefore are not liable to the amounts claimed or any portion thereof. The claim if any at all ought

to be

to be against the persons who actually received the supplies or cement.

12. The plaintiffs were all along aware of these facts and at any rate on the date of the suit must be imputed with knowledge of the person or persons who took delivery of the cement in question and those persons were neither agents of this defendant nor were they authorised to receive supplies on behalf of this defendant.

13. This defendant not having placed the orders or indents in question and not having received the supplies or any portion thereof as alleged is not liable to pay any amount to the plaintiffs.

14. This defendant denies the facts in para 7 of the plaint and particularly the allegations that the engineer's statements are untrue. This defendant submits that the statements and allegations of fact made by the executive engineers of Nandya as stated in the said para are true. Defendants 3 and 4 are not necessary parties and no cause of action is either alleged or accrues against them.

15. This defendant does not admit the facts set forth in para 8 of the plaint and denies that neither defendant No.2 nor defendant No.3 placed the indents in question.

16. defendants

16. Defendants Nos. 2 & 3 having been sued in their individual and private capacity and the allegations being that they in that capacity are responsible for placing the indents in question, this defendant submits that the said facts and allegations cannot impose any liability on the Government of Kyowa as such.

17. Assuming but not conceding that the indents were placed by the defendants 2 and 3, and assuming that they acted as agents of Government, the statements wrote what no supplies were made to them or their authorised agents as alleged or otherwise.

18. If any unauthorised payments have been received by the plaintiffs from the 1st defendant or its agents for any supplies allowed to be made or purporting to be made under any of the indents in question and if the 1st defendant or its agents have either under a mistake of fact or by the fraud of others paid any sums, the 1st defendant will file a separate suit for the recovery thereof and craves leave of the court to reserve their right to pursue its remedies by way of a separate suit.

19. The defendant denies categorically the statement that any powers were placed or that any supplies were made or that any money is due as alleged in

para

para 8 (i), (ii) & (iii). No sum as claimed for therein is due.

20. The allegations in para 9 of the plaint are not tenable or correct. This defendant is not liable to pay any interest at all. The defendant also denies the existence of any trade usage as such and repudiates its liability to pay the amounts claimed in Schedue 'B' of the plaint. The defendant also denies that either the Government or its accredited agents paid any interest as alleged in particularly the sum of Rs.176/- mentioned in Schedule 'B'

21. No proper notice as required by Section 80 has been issued by the plaintiffs.

22. No cause of action has accrued as alleged or otherwise.

23. This defendant is informed that as a result of a series of frauds certain persons placed bogus indents and received certain supplies from the plaintiffs and that the plaintiffs were aware of the fraud and all the particulars thereof and that this defendant is not liable for the amounts claimed or any portion thereof.

24. The plaintiffs are not entitled to the reliefs claimed or any of them

25. The

25. The plaintiffs have to state whether they base their suit for supplies of goods made or for bills dishonoured. The plaint is vague in this respect. The original bills have to be filed by the plaintiffs or caused to be produced.

26. This defendant prays that the suit may be dismissed with costs.

Ist defendant.
(Chief Secretary to Govt.)

Advocate for Ist defendant.

I, the first defendant abovenamed, do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

Bangalore |
|

Ist defendant.
(Chief Secretary to Govt.)

1253
837

Law 127-35-19

WITHOUT PREJUDICE.

To

The Government of His Highness the
Maharaja of Mysore, BANGALORE.

OFFICE OF THE
FIRST MEMBER C.
SEP 15 1937
No 1219

From

Messrs. B.V.Narayanaswami & Co.,
42: Arcot Srinivasachar's Street,
BANGALORE CITY.

In the matter of Original Suit No. 10 of 1936-37 on the file of the District Judge, Mysore Division, Mysore. (Messrs. B. V. Narayanaswami & Co., - Plaintiffs. -VS- The Government of Mysore by the Chief Secretary; (2) Mr. N. Subba Rao, Executive Engineer; (3) Mr. C.T.Narasimha Iyengar, Executive Engineer. - Defendants.)

Cl Secy w/c
JPL
18/9
DMS
15/9
POR
16/9

****

The above case was filed by us against the Government and the two Executive Engineers who were at Mandya during 1933 and 1934, for the recovery of the amount due to us for Cement supplied to the Executive Engineers, Irwin Canal Division, Mandya. The case was transferred to Mysore District Court from Bangalore.

2. It has now reached the stage of leading in evidence by the parties and stands adjourned to the 20th September 1937.

3. The several Criminal Cases in respect of the Defalcations in Mandya Executive Engineer's Office have been concluded and the concerned persons

have

have been punished. All the evidence both oral and documentary are now on record. The Government are now in possession of all the evidence to examine our case thoroughly.

4. We are the sole suppliers of Cement to the Government of Mysore for the past 10 years. This year also we are supplying Cement to the Government Departments as usual. We find it very embarrassing to continue the above suit against Government and its Officers.

5. Now that the Government are in possession of all the facts of the case which were not on record when the Government decided to resist our claim - we humbly request you to examine the records (both oral and documentary) together with the several Judgments in the Sessions Trials and concerned Appeals and pass suitable orders to settle our claim out of Court.

Bangalore.
15th September 1937.

For B.V. Narayanaswami & Co.
PLAINTIFFS.

M Chinnaswamy
ADVOCATE FOR PLAINTIFFS.

Letter No.43[illegible] dated 1/2nd October 1937 from the Executive Engineer, Irwin Canal Division, Mandya, to the Superintending Engineer, Irrigation Circle, Mysore.

Civil suit filed by Messrs. B.V. Narayanaswami & Co., against Government and the two Executive Engineers.

Reference:- Superintending Engineer's No.2222 dated 25th September 1937.

....

With reference to above forwarding copy of letter dated 15-9-1937 addressed by the above Firm to the Government of Mysore requesting to pass suitable Orders to settle their claim out of Court, and calling for an early report thereon, I have the honour to submit the following report:-

Regarding the details and the validity of the claim, full details have been submitted in this office No.778 of 19/21-5-35 with 22 enclosures to Superintending Engineer, and in this office No.469/6 of 26-1-1935 to the Chief Engineer of Mysore (K.R.S.Works) The claim by the Firm is based on three references purporting to have been issued from this office viz., 566/30-9-33, 1039/11-12-33 and 193/25-7-34. As per full details furnished in this office No.469/6 of 1.6.35, none of these three references on which the Firm have based their claim are genuine orders; they contain unauthorised and bogus interpolations (without the knowledge of this office) made by the Store-keeper in some communications to the Firm, and these are not any genuine orders by this office.

Again none of the consignments whose value they claim, have been received in this office and it is therefore not to be paid for. The above are the facts of the case. Again in the Schedule B attached to the Plaint, it is noted that Rs.176-0-0 have been received by the Co., by way of interest. No such payment has been made to the Firm by this office.

Coming to the result of examination of the several documents during the course of proceedings in the several courts in which

this Cement Mis-appropriation case has been dealt with, the following points have come to light.

It has been remarked by the Committing Magistrate that these are fraddulent additions made at the foot of an intimation letter to the Firm (which is a genuine bit of correspondence), that these are bogus indents.

In respect of Indent No.1039, the Assistant Additional Sessions Judge remarks that it is a forged order or bogus indent placed in the name of the Executive Engineer and in the appeal also, the Sessions Judge remarks it as forged order.

The same remarks apply in the case of all bogus indents; and the indents referred to by the Firm in laying this claim are all bogus. Lastly, it has to be pointed out in particular that on 13-11-33 the Firm have received directly cash payment by Insuran and Money order to the extent of Rs.688/- as payment made by Executive Engineer. Certainly, it should have looked strange and roused their suspicion. This has been quietly accepted and allowed by the Firm without raising a voice or necessary verification of the truth about it.

It may kindly be noted that in all cases where money has been received by the Executive Engineer, the Company has been granted a regular receipt in the printed P.W. receipt form and not in the form as alleged in the reference viz., this office No.286 dated 1/3-8-34. On the face of it, it could be seen that this receipt was not in order and demanded immediate verification on the part of the Firm, as it involved a heavy sum of Rs.1,377-11-0. Agai in this same reference, it is stated that ' I write to acknowledge the receipt of the following articles together with R.Rs. etc., Three paid vouchers herewith enclosed'.

In the first place as stated above, it is not the usual form of receipt granted by the Division Office. Secondly acknowledg ing money as articles is certainly not a genuine form and next and more important is encloseing 3 paid vouchers. These are the Railwa

General receipts granted by the Railway for having received freight amount on 3 waggons alleged to have been taken delivery by Store-keeper on 1,2,3rd August 1934. If money was paid from this office towards freight, certainly the receipts should form vouchers in this office transaction and get into accounts and records of this office, and they could never have been sent to the Firm. This is clear proof of the non-genuine nature of the transaction, and it should have drawn the notice of the Firm, since they have sent meoney towards Railway Freight on several occasions before and in no case has the Railway receipt been sent to the Firm. Therefore, the Firm have kept quiet at all stages where there has been irregular and non-bonafide transaction and thus fallen a prey into the hands of the Store-keeper and have thus rendered it possible for the bogus transactions to be carried on.

Further the original fair copies of this office No.566 and 1039 of 30-9-33 and 11/12/1933 have been traced and are available in the office for reference. These relate to differenct subject matters as previously reported.

Hence it has to be stated, in conclusion, that the Firm have acted on bogus and forged indents which is quite evident. None of these orders were placed by this office and the articles referred to have not been received by Government. Hence their claim is untenable. And therefore Government are not liable in respect of such untenable claim.

' COPY '

Batini Bhima Rao
29-10-37

Letter No.2501 dated the 7th October 1937 from the Superintending Engineer, Irrigation Circle (K.R.S. Works), Mysore to the Chief Engineer of Mysore, K.R.S. Works, Bangalore.

Alleged claims of Messrs. B.V. Narayanaswami & Co., for the supply of cement made by them to the Executive Engineer, Irwin Canal Division, M a n d y a.

With reference to your No.965/Kss dated the 23rd September 1937 forwarding a copy of the petition dated the 15th September 1937 addressed to Government by Messrs. B.V. Narayanaswami & Co., through their Advocate, requesting to settle their claims out of Court, I have the honour to state that the alleged claims of Messrs. B.V. Narayanaswami & Co., have been examined more than once previously and found not tenable. Please vide., this office letter No. 281 of 22nd May 1935. The Government in the Law Department have also examined the claim and have issued an endorsement to the parties to the effect that their claim is not true, that the goods were not indented for by the Executive Engineer and were not also received by him, that the orders for the goods alleged to have been placed with the Plaintiffs in the case are not obviously genuine and bonafide, and that the claim against Government is not tenable. A copy of the letter No.438 dated 1/2nd October 1937 received from the Executive Engineer, Irwin Canal Divison, reporting on the alleged claims, in the light of the Sessions trials conducted recently, is herewith submitted for kind perusal.

2. In the circumstances of the case, I am of opinion that the Government are not liable to make any payments to the Plaintiffs for goods not received by the Executive Engineer, Irwin Canal Division, Mandya, and that the claim is untenable.

"Copy"

Batni Bhima Rao
29-10-37

29/X/37

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law

File No. 127 - 35

Serial No. 20

No. P 2740.

Diary No. of letter replied to.....

To

Endorsement

General and Revenue Secretariat

( )

the *193*

Subject:— O.S. 10/36-37 on the file of the Dist judge, Mysore (Messrs B.V. Narayanaswamy & Co Vs Govt)

Date of issue.....25-11-37.....

Signed by .....Mr BKR.....

With reference to their letter no. nil, dated 15th Septr 1937, requesting order of Govt to settle their claim ordg Court, Messrs B.V. Narayanaswamy & Co. are informed that the Suit may proceed in the usual course.

that Govt are of opinion that the Suit claim is not tenable and that there is therefore no necessity for Govt to settle the above case out of Court.

List of enclosures.....

Copied by .....

Examined by.....

To

Messrs B.V. Narayanaswamy & Co.
42, Arcot Sreenivasachari's Street
Bangalore City.

WD 0521—GPB—30,000—12-3-37

BKR

G. R. S. App. F VI—G 2]

SUBJECT Advance to ppr v Mys Dn in O.S. 10/36-37

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Section Law

File No. 127-35

Serial No. 22

Date of issue 5-3- ...1938.

H.O.

Signed by Mr. PKR.

Read—G.O. No P 5124-7 Law 127-35-6 dt 3-2-36 Sanctioning the defence of the Suit-O.S. 35-36 on the file of the Dt Judge, B-lore (Messrs B.V. Narayanaswamiyo Vs. Govt & others).

2). G.O. No. P-8282-4 Order thereon—No. Law 127-35-13 dt 16-6-36 Sanctioning the advance of Rs 50/- to the ppr, B-lore Dn for expenses connected with the Suit referred to in the G.O. read above.

3) Letter No P 3874 Law-127-35-18

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part? H.P

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

H.N.

Dt 15-12-36 b the P P^r Mysore
In requesting him to appear
for Govt in O.S. 10/36-37
on the file of the Distt Judge Mysore,
(Messrs B.V. Narayanaswamy & Co
Vs Govt & others) - which is
the same case as that referred to
in the first order read above - having been
~~being~~ transferred from B'lore Dn
to the Mysore Dn.

4) Letter No. 1226 Dt 2-3-38 P.U.I
from the P P^r Mysore Dn
soliciting ~~Sanction for~~ orders on certain matters & requesting
an advance of Rs 100/-
being placed at his disposal
for meeting the expenses
of the Suit (O.S. 10/36-37.)
O No 5034-60-7 5-3-38
Sanctioned. The Chief Engr
is requested to place
at the disposal of the P P^r
Mysore, a Sum of Rs 100/
Subject to adjustment in due Course.

List of Enclosure

{ 2d
The 6th Engr
" P P^r Mysore
" Circle

Copied by

Examined by

WD 09602—GPB—22,500—12-7-35

BKR
4-3

Court fees to Govt

5129 p37

WD 0240– GPB—25,000 1-10-36

Law 127-35-21

193

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The General Secretary to the Govt. of H.H. the Maharaja of Mysore, Bangalore.

Dated 2nd. March. 1938.

Despatched

Received

General No. 1226.
No.

Enclosure No. 1.

GENERAL SECRETARY.
3 MAR 1938

O.S. 10/36.37

B.V. Narayanaswamy + sons. vs

1. Chief Secretary to Govt.
2. N. Subba Rao Esq. Superintending Engineer.
3. C.T. Narasimhaiyar Esq. Ex. Engineer

for the file of the District Judge, Mysore.

Sir,

1) I have the honour to state that the marginally noted suit is posted for evidence on the 10th inst. The plaintiff has got a number of documents admitted or denied by defendants 2 and 3. But the Court has not yet given any ruling as to who should begin the case. The plaintiff's advocate will probably argue that the defendants should begin in view of the admissions made by defendants 2 and 3

2) Apart from the question of burden of proof I think it is necessary to explain to Government the nature of the suit claim and also the nature of the plea advanced by Government.

3) The plaintiff has filed this suit for the recovery of the price of four consignments of Char Minar Cement said to have been supplied in response to certain orders placed by the Executive Engineer Mandya. The plaintiff relies on a written contract entered into with the Stores Purchase Committee for supply of Char Minar Cement in response to indents placed with the firm by D.P.W. Off

6 The plaintiff is put to proof of the written contract in pursuance of which the suit consignments were sent to Maudya division. It is not admitted that any orders were placed by the Executive Engineers for the supply of cement as alleged in the plaint. It is specifically denied that the suit consignments of cement were actually received by the Executive Engineers.

7 It must be noted that the plaintiff has not alleged any implied contract under S. 62 of the Sale of Goods Act. Nevertheless the plaintiff may attempt to adduce evidence to show that the goods were actually delivered to the defendants' agent viz. the convicted Storekeeper. It is no doubt true that the Storekeeper has by a series of frauds and forgeries taken delivery of cement bags from the Railway Station. But those bags did not find their way to the Divisional Stores at Maudya. The registers of daily stock do not show that the suit consignments were put into the stores."

3 It appears to me that on behalf of the defendants the case has to be developed on the following lines and evidence led accordingly:- Storekeeper R. Krishna Rao committed a series of frauds and systematic forgeries and breach of trust from July 1932 up to the first week of October 1934. The modus operandi adopted by him involved unauthorised signatures affixed on behalf of the Executive Engineers, mutilations of documents, tearing the signatures of the executive engineers, suppression of documents, false accounting, incorrect entries, unauthorised interpolations and relative crimes. In the course of such activities the Storekeeper placed certain forged indents with the plaintiff firm for supply of cement. The firm could have easily detected the fraud; they negligently or deliberately omitted to probe into the question of the genuineness of the orders and sent consignments after consignments of cement to the address of the Executive Engineer. The Storekeeper somehow managed to get the concerned Railway Receipts, received the goods and disposed of them as he liked. We have evidence to prove the destination of some of the cement bags and Dodpet merchants of Ullpore are being summoned to speak to the purchase of the identical cement bags soon after their arrival at the Maudya Railway Station."

3(4) Oral and documentary evidence to substantiate the above defence viz. (1) there was no contract with the Government for the plaintiff to supply the cement bags in question.

(2) The cement bags were not received into the Stores

(3) Storekeeper Krishna Rao betrayed the confidence reposed in him and he has committed forgery and criminal breach of trust which alone facilitated the despatch of goods.

The plaintiff was negligent in consequence of which the fraud was not detected in time

4) Copy of list of witnesses is submitted for the approval of Government with a request for such further instruction as the Government may be pleased to issue which will be strictly followed in the conduct of the defence

5) A sum of Rs: 100/- may be directed to be placed at the disposal of this office for meeting process fee and witness batta

I have the honour to be
Sir,
Your most obedient servant.

A Ramaswamy
Public Prosecutor
2. 3. 38

In the Court of the District Judge, Mysore.

O.S. 10/36-37

Plf. Defts

P.V. Narayanaswamy & Sons & 1. Chief Secretary and 2 others.

Hg. 10. 3. 38

List of Witnesses filed on behalf of the defendants.

1. Mr. K. R. Srinivasan of Messrs. P.V. Narayanaswamy and Sons: C/o M. Lakshmi Narayanarao, B.A., B.L. Advocate, Mysore.
2. To cause the production of the following documents:
   a) Jo and from registers and tappal books showing letters and reminders issued to the Executive Engineer, Mandya for expediting payment of the price of the suit consignments of cement and replies if any received.
   b) Contract in writing if any between the plaintiff firm and the Government or with any Government Officer in pursuance of which the consignments of cement noted in the plaint are said to have been supplied to the Executive Engineer Mandya.
   c) Register of orders placed by customers with the plaintiff firm for supply of cement bags during the years 1932-33, 33-34 & 34-35 together with original orders.
   d) Printed receipts granted by the Executive Engineer - Mandya in respect of moneys sent by insured post by the plaintiff to the Executive Engineer for clearing consignments of cement from the Railway.

Process Rs 0-10-0
Batta nil.

2. Mr. M. Singriengar, Superintendent, Comptroller's Office, Bangalore — Process. 0-10-0; Batta. 5-0-0.

3. Mr. A. Subbarao. Accountant; Upper Channels division Mysore. Process. 0-5-0 Batta. 1-8-0.

4. Mr. R.A. Krishniengar, Head Clerk Executive Engineer's Office, Mandya — Process 0-10-0 Batta. 3-0-0

To appear with all the available records remaining in the Executive Engineer's Office and connected with the Cement transactions with the plaintiff firm.

5. Special First Class Magistrate, Mandya

To cause the production of all the unexhibited documents files along with the Charge sheet placed by the Mandya police in the criminal case of Government vs R. Krishna Rao and 5 Nos. (Ss. 409, 468 and 471 I.P.C.) Committed to the Sessions — Process. 0-5-0. Batta. nil.

6. Mr. B.T. Srinivasan, Asst. Comptroller Railway Audit Office, Mysore. Process. 0-5-0. Batta 5-0-0.

7. Mr. S. Govinda Rao. Superintendent Comptroller's Office Bangalore. Process. 0-5-0 Batta: 5-0-0.

8. Mr. A.S. Gopalaiya. C/o Bank of Mysore Ltd Bangalore

To produce the following documents and give evidence.

List of documents will be filed later on

Process: 0-5-0.
Batta: 5-0-0

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

14. [illegible]

9. Mr M.C. Sampathiengar. Assistant Engineer Maudya. Process 0-5-0
Batta 5-0-0.

10. Mr N. Ramachandraiya; Station Master Maudya
To appear and bring with him the following registers:
a) Vehicle registers, loading and unloading tally books of Maudya Railway Station for the periods
A) 3.10.33 to 27.11.33.
B) 19.3.34 to
C) 1.8.34 to 4.8.34.
Process 0-5-0
Batta. 3-0-0.

11. Mr N. Sambasivaiya; Goods clerk Mysore Railway Station.
To appear and bring with him the following registers:-
Vehicle registers, loading and unloading tally books of Mysore Railway Station for the period (A) 4-10-33 to 31-11-33.
(B) 20.3.34; (C) 4-8-34 to 6-8-34
Process 0-5-0
Batta 1-8-0

12. Mr G.R. Krishnaswami; Typist, Exective Engineer's Office, Maudya. Procen. 0-5-0
Batta. 2-0-0.

13. Mr G. Kanakasabhapathi; Sub Post Master Maudya C/o Inspector of Post Offices, Mysore Division
To appear and bring with him letter No. 629 dated 11.9.34 from the Executive Engineer Maudya to the Sub-post master, Maudya re. delivery of tappals to the Office of the Executive Engineer
Process 0-5-0.
Batta 3-0-0

14. Mr. H. M. Nurulla Sahib, Police Inspector Aurkal — Process. 0-10-0, Batta. 5-0-0

15. Hakim Mahammad Ghouse. Hardware Merchant, Dodpet, Mysore. — Procss. 0-5-0. Batta. 0-12-0.

16. Mr. G. K. D. Bhasaiahaiya. — Procss. 0-5-0. Batta. 0-12-0

17. Mr Abdul Khader, Carting Contractor c/o Hakim Mahammad Ghouse, Hardware Merchant, Mysore. — Process 0-5-0, Batta. 0-12-0.

18. Mahammad Ibrahim; Carting Contractor c/o G.K.D. Bhasaiahaiya, Hardware Merchant, Mysore. — Procss 0-5-0, Batta. 0-12-0.

N. B. Summonses to Railway servants may be addressed through the Traffic Manager, Mysore Railways: Summonses to other public servants and officers through their official superiors. Summons to Sub-postmaster Mr Kanakasabhapathi may be sent through the Inspector of Post Offices, Mysore Division. Summons to Mr. K.S. Gopalaiya through the Manager Bank of Mysore Ltd. Bangalore.

Total; Process 6-12-0
Batta 48-0-0.

K Ramadoss

Advocate for Defendants

2-3-38

K. Ramaswamy, B.A., B.L.,
Public Prosecutor

Mysore,
Dated 3rd October 1938.

D.O.No. 565. CONFIDENTIAL.

Dear Sir,

I beg to submit herewith for your kind perusal an un-official note on the details of the claim of Messrs.B.V. Narayanaswamy & Co. against Government in O.S.10/36-37 on the file of the District Judge, Mysore. I have also appended a number of documents referred to in the Note.

I would request that you may first go through the copies of Judgment in two Sessions cases and two magisterial cases and then read my note together with the enclosures.

The materials for connecting the plaintiff firm with the fraud committed by the Store Keeper are very meagre. But there are ample materials to prove that the suit consignments did not reach the store room at all and that on the other hand they were systematically misappropriated by the store keeper. The Executive Engineer's were successfully hoodwinked and their signatures were obtained by the store keeper fraudulently. There is no doubt that there were a number of loppholes and loose transactions in the office system of the Division. There was also negligence on the

P.T.O.

the part of the Executive Engineers without which the fraud could not have been perpetrated at all.

The chief question appears to be whether the Government can be held liable for the result of this fraud. It is absolutely true that the company has supplied the goods on the basis of orders that contained the genuine signatures of Executive Engineers.

I would leave all questions of law and equity for the due consideration of the Government before agreeing to a compromise. The plaintiff's representative may, if necessary, be asked to see me on the subject so that I may ascertain from him the terms on which he would compromise the claim.

Yours sincerely.

K Rama Aiyar

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Additional Secretary to Government,
Lakshmipuram, Mysore.

ANNEXAM
MEDIA

IMMEDIATE.

D. O. No. 1/Law

GENERAL AND REVENUE SECRETARIAT,

Dated, ~~Bangalore~~ Camp, Mysore, 26th Septmbr.'38.

1.]

Subject:- O.S. No.10/36-37 on the file of the District Judge, Mysore (Messrs. B.V. Narayanaswamy and Co., Vs. Government.)

Dear Mr. Ramaswamy,

I am desired to request you to be good enough to meet the additional Secretary in his Camp at Mysore on Tuesday or Wednesday morning between 8 and 10 A.M. in regard to be above.

Yours sincerely,

BKR

To

K. Ramaswamy, Esq., B.A., B.L.,
Public Prosecutor,
Mysore.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. VI—S-III/38]

APPLICATION FOR A WARRANT UNDER ACT XV OF 1903, THE INDIAN EXTRADITION ACT.

1. Officer to whom the warrant should be issued.

2. Magistrate of the District who wants the warrant issued.

3. Name and description of accused person.

4. Where or under whose custody the accused person is supposed to be.

5. Name of the offence committed, and section of the Indian Penal Code under which the accused is charged

6. Officer to whom the accused should be surrendered.

7. Place at which the accused should be delivered.

8. Whether the accused is a British subject, a subject of Mysore, or to which State he belongs.

MYSORE GOVT. GENL. & REV. SECRETARIAT,

Bangalore.....191

Secretary to Govt.

W D 0208—GPB—1,000-6-2-17

1213/P 638

WITHOUT PREJUDICE

DEWAN'S OFFICE
10 SEPT. 1938
No. 14. 533

To

Amin-ul-Mulk

Sir Mirza M. Ismail, Kt.,C.I.E.,O.B.E.,

Dewan of Mysore,

BANGALORE.

Law 127-35-23

Petitioners: B.V. Narayanaswami & Co.,
Cement Suppliers,
42, Arcot Srinivasachar's st.,
Bangalore City.

By

(B.V. Narayanaswami & K.R.Srinivasan)

REF: O.S.No. 10 of 1936-37 on the file of the District Judge, Mysore.

Most Respected Sir,

The Petitioners respectfully beg to state as follows:-

1. The Petitioners' Firm has been supplying Cement for over 12 years to Government Departments, etc., in the State. They have been suppliers of - Cement to the Executive Engineer, Irwin Canal Division, Mandya. They were receiving payments for Cement - supplied to the Executive Engineer but some large amount was held in arrears, for the payment of which, demands were made time and again.

2. That in view of the Firm being a standing one and have been supplying Cement to Government Departments, etc., even now, they made representations to the Department and the Government, for a settlement of their claim. The Petitioners having failed to get redress were compelled to go to Court to recover their claim and they were obliged to file the suit very - reluctantly, on the last day of Limitation.

3. The Petitioners filed the aforesaid suit against Government, Messrs. N. Subba Rao and C.T. Narasimha Iyengar, Executive Engineers, for the recovery of Rs.9,340/- being the cost of Cement supplied to the Executive Engineer, Irwin Canal Division, Mandya. The suit is being contested by the Government and the next hearing of the case is 19-9-38.

4. Criminal Proceedings were launched - against the Store-Keeper and others of Irwin Canal Division, Mandya, which, ended in conviction of the Store-Keeper, in Sessions Cases Nos. 1 and 2 of 35-36, on the file of the Asst. Sessions Judge, - Mysore and Special Magistrate's Court, Mysore.

5. Several other criminal cases filed by - Government, against the Receivers of the Cement have since been withdrawn by Government. The only matter now pending is the above suit of the Petitioners.

6. The Judgment of the Learned Additional Asst. Sessions Judge, Mysore in Sessions Cases Nos. 1 and 2 is clear as to who is responsible for the misappropriation and defalcations. The negligence of the Officers concerned and how departmental Rules were observed in the breach are clearly established by the report and evidence of the Assistant Comptroller, who was specially deputed to audit the accounts of the Division.

7. The Petitioners are desirous of having their suit settled out of Court. The Government was not in possession of the entire facts of the case, when it filed the written statement in the case. The Judgment of the Additional Asst. Sessions Judge, Mysore

Mysore, in Sessions cases Nos. 1 and 2 of 35-36 and the report of Mr. V. T. Srinivasan, Assistant Comptroller, who was specially deputed to audit the accounts, together with his evidence in court in the above Sessions Cases is now available for perusal. Extracts of the aforesaid Judgments and evidence of Mr. V. T. Srinivasan, are herewith enclosed for ready reference.

8. The evidence both oral and documentary in the two Sessions Cases clearly show the bonafides of the Petitioners:

(a) The orders for the Cement in question have all been signed by the Executive Engineers, who admit their signatures to the said orders;

(b) The orders have been immediately acknowledged by the Petitioners;

(c) Cement has been consigned to the Executive Engineer, Mandya;

(d) Railway receipts showing the Executive Engineer, as the consignee have been in all cases sent to the Executive Engineer;

(e) In several cases, Railway Receipts and Cash for the freights have been sent through insured post, to the Executive Engineer, who have received and acknowledged them and they have also sent regular receipts for having received the freights charges sent by the petitioners;

(f) All the relative bills have been sent through the Bank of Mysore and many collected by them;

(g) Several reminders regarding pending bills have been sent both by the Bank of Mysore, Ltd., and the petitioners;

(h) Several Bills now disputed by the Government have been paid in part and in the correspondence between the Executive Engineers and the Bank and the Petitioners and the Officers have acknowledged that the balance will be paid.

The above said facts prove beyond doubt that

that the Petitioners did send the Cement in question in perfect good faith and without any malafides whatsoever.

9. The Petitioners have bonafide supplied the Cement ordered and all their transactions with the Government since several years have been very satisfactory.

10. That the Petitioners have supplied the cement in question and that they have not been paid the price thereof, are facts admitted by the Government.

11. The Petitioners beg to state, that the misappropriation and defalcations were due entirely to the laches and negligence of the Officers concerned and that the Petitioners are not in any way responsible for the same.

12. Therefore there is no reason whatever for withholding payment due to the Petitioners.

13. The Petitioners who have long standing business connections with the Government pray that their cases may kindly be considered on legal, - equitable and business view points and that justice may be done to them.

14. The Petitioners have been put to very heavy expenses on account of their case, having been tranferred from Bangalore to Mysore Division consequent on the change of Officers in the Judicial Department.

15. The Petitioners are willing to accept a reasonable settlement made by the Government.

the Government.

W h e r e f o r e, they most humbly pray, that the benign Government may kindly be pleased to call for all the connected records in the case and justice shown and have the claim of the petitioners settled out of Court.

We beg to remain

Most Respected Sir,

Your most obedient servants,

Bangalore,

For B. V. Narayanaswami & Co.

D Macanahalley

K. A. Lunasamy

Extract from the Judgement of the Additional Assistant Sessions Judge, Mysore - In Sessions Case No.1 of 1935 - 1936.

Para.1 - 7

There were several defects in the procedure of the Office of the Executive Engineer No. V, Irwin Canal Division, Mandya, both on the Executive and Accounts side , as shown to by the Assistant Comptroller (Mr.V.T.Srinivasan -P.W.16) who was responsible for the special audit conducted after the defaulcations came to light. The defects on the Executive side ennumerated by P.w.16 are(i) that stock was not actually checked by the Executive Engineer when passing indents or bills(ii) that the measurement book was being initialled by the Executive Engineer without checking the stock ; (iii). that the book balance was not checked when indents were passed on the basis of actual balances noted by the store keeper ; (iv) that bills were passed without checking them with reference to the Office copies of the indents(v)that the stock was not actually counted,when one Executive Engineer was succeeded by another in March 1934 and (vi) that two half wagon loads were ordered and bills for the same passed in March 1934,that when the Comptroller pointed out that a saving of Rs 135/- could have been made by ordering a full wagon load ,the Exeuctive Engineerwho order consignment, explained,that half wagon loads were ordered because accommodation

in the stores was insufficient and that his successor passed on that explanation without verifying the capacity of the stores. The - defects on the accounts side ennumerated by P.w.16 are (i) that bills were passed without checking them with reference to the Office copies of the indents ;

(ii) that the accountant or Manager did not ensure that Office copies of indents passed through him ;

(iii). that the measurement book and the bill were both allowed to go simultaneously to the Executive Engineer for signature ;

(iv). That though the estimates in the Division provided mostly for the use of surki mortar and no cement (which was actually used) The accountant did not raise any objection to the use of the ce-/ment;

and

(v). that one consignment of cement got in June 1934 and paid for in July 1934 was not posted in the "A" form register till September 1934. It has also been elicited from P.w.16 in cross examination that the periodical counting had to be done by a Gazetted Officer and that the test audit of November 1933 showed that the counting had been done only by an Overseer.

P.W. 16 has sworn that these defents made the defalcations possible and that they were largely responsible for the defalcations.

8. Most of these defects are admitted by the two Executive Engineers, Viz, Mr. N.Subba Rao (W. 10) and Mr. C.T.Narasimha Iyengar (P.2) who were in charge of the Division during the period covered by the defalcations. The testimony of the Assistant Engineer (Mr.M.C. Sampatha iengar P.W.1) and the Accountant (Mr.Singraiengar P.W.5) proves the existence of some more of the defects.P.w.10 has conceded that the Executive Engineer is the Officer responsible for seeing that the cement received from the Suppliers is put into the Stores and that he did not see whether the 440 bags got under the Railway Receipt (Ex. P. 72 were actually received into the Stores. He has also admitted that the "A" Form register had been posted only up to the end of February 1934 ,when he handed over charge to Mr.C.T.Narasimha Iyengar (P.w.2) on 26/3/1934 and that no attempt was made before handing over charge to see whether the actual balance of cement tallied with the book balance. The fact that the periodical counting has to be done by a Gazetted Officer is clear from the Memo Exhibit P. 59) put up by P.W. 5 in July 1934. In spite of it,P.w.10 had passed a memo like Exhibit P. 70 in 1933 directing Mr.Sharma (P.w.9) to do the half yearly counting. P.w. 9 has done the half yearly counting on two occasions in 1933,Viz, on 4-7-1933 as per Exhibit P. 69(b) and on 31-12-1933 as per Exhibit P. 71. Though the half yearly forecast for 1933 -34 is admitt d by P.W. 10 to have been

300 bags , it did not occur to him even when he made the endorsement Exhibit P. 72(a) for 440 Bags and passed other orders relating to that consignment,that the forecast had been exceeded and that the indent was a bugus indent. We not concerned in this case with the fact whether the said indent was actually a bogus indent. Mr.C.T.Nara simha Iyengar (P.w.2) has also conceded that he does not remember whether the "A" form register had been posted up the date when took charge on 26/3/1934 . He has stated that he has initialled the "A" form register once a month but has admitted that he has not checked the stores,before initialling it,with reference to the Daily receipts Register . Ex. P.52 and the Daily Issues Register(Ex.P.53) He has seriously asserted that he counted the articles on 3-9-34 and that he found 793 bags that day,as per Ex. D1(a). But Exhibit D1 is only a statement of stock on hand on 30/6/34 prepared by the Stores Accounts clerk (Rajinegar) P.w.19) and the figures ' 793' shown at the place (Ex.D1(a) is only the balance shown as on hand on 30/6/ 34. Ex. P. 79 shows many transactions between 30-6-34. Hence it is clear that the counting said to have been done on 3-9-34 is absolutely imaginary. He has also admitted that he signed certificates in Form No. 163 A like Exhibits P.45 and P. 37,relying solely on stock certificates like Exh.P.38(as)made by accused on firm bills and without satisfying himself that the stock had been physically put into the stores. It is clear from this,that the measurement book,the firm bill and the certificate in Form No.163 (a) were all going simultaneously & for the Executive Engineer's signature.

and that they were all passed relying solely on entries made by the Store -Keeper (accused). Orders for getting supplies of cement were passed on memos like Exhibits P.2 and P. 4 which did not state the actual balance of cement in the stores and which evaded such statement by simply mentioning that about 100 bags and 50 bags were on hand out of the consignments received ~~letter~~ just prior to the dates of those memo. Though according to the letter (Exhibit P. 56) written to the post Office the account was authorised to receive, at the post Office window,registered letters and insured articles addressed to the Executive Engineer,accused who was neither the Accountant nor the Cashier was allowed to receive such letters and articles, as proved by Exh.P.7, P. 28 28(a) P. 289 bO P. 40 P 40(a) and P.55. The insured letters received from the suppliers for paying the Railway freights on the consignment of cement generally contained accounts coming very nearly to Rs 500/- and accused was allowed to handle such large amounts,though the/imprest allowed to him could not exceed Rs 40/- as ad - mitted by P.w. 2. The fact that cement was ordered in two half wagon loads by P.w. 10 and that objection was taken thereto by the Comptroller is conceded by P.w. 5. The P.w. 10 sent up an explanation for the same is also clear and that the said explanation which was to the effect that there was no accommodation in the Stores for a full - wagon load was passed on by P.w. 2 capable of leading to the inference that P.w. 2 had never visited the Stores before passing it on

No technical or expert opinion is required for the positi-
-on

that such indifference to duty and disregard of codal rules by responsible division officers gave facilities for defalcations of the kind ,we are now dealing with. There is a big volume known as the Public Works Accounts Code, which contains elaborate rules fixing the duties and responsi -bilities of Division Officers, Accountants and Store keepers in respect of stores and prescribing the way in which various accounts etc, have to be maintained and checked in order to safeguard leage or misappropriation. Article 171 thereof prescribes the duties and responsibilities of the Executive Engineer in respect of measurement books relating to Stores. Article 251 says,how accounts of daily receipts and issues have to be maintained. Article 252 relates to monthly abstracts of receipts and issues of stores. Article 359 makes the Divisional Officer primarily responsible for the Stores. Articles 363 ,and 365 say that periodical counting has to be done only by a Gazetted Officer. Articles 662 and 665 prescribe the duties of the Divisional Accountant. The case for the prosecution is that all these codal rules were practically ignored in No.V Irwin, Canal Division at Mandya and that accused was allowed a free hand and was the sole Master at least in so far as the transactions relating to cement were concerned.

16. " One question naturally arises in a case like this and that is whether the whole thing could be a secret affair known only to the accused or whether other persons in the Office should also have been in the know. The way in which accused was allowed to receive insured letters containing the freight amount the continued laxity in the matter of seeing that the consignment received by him were physically put in the stores,

the fact that the A Form Register was not posted up for month together ,for instance from 30-6-34 up to 27-9-34 as sworn to by P.w. 15 that circumstances that Rajiengar (P.w.19) who was the Stores Accounts Clerk never brought such defects in the Stores Accounts to the notice of the Officer,the fact that he was a distant relative of the Executive Engineer(P.w.2) on his wife's side and the fact that Pw. 2 rearely visited the Stores and counted the stock seem to me to indicate,that the defalcations were not entirely a secret affair and that most people in the Division knew about it.

P.w. 19 was working in the Stores and it is difficult to explain how he kept quiet when quantities much smaller than ~~eesing~~ consignment were brought and put into the stores. The facilities provided by the Station Masters for booking large quantities out of such consignments then and there in the Railway Station and for despatching them almost by the same train by which they arrived,s inspite of the fact,that Government Cement was being handled in that manner,show that the Railway Officials too must have been bought in. Other - wise it is impossible for such things to go on systematically for such a long time in a small station like Mandya.

Extract from the Judgment of the Additional Assistant Sessions Judge, Mysore, In Sessions Case No. 2 of 1935-1936.

—o—

" It is rather strange, that Mr.N.Subba Rao, handled Exhibits P. 11, 16 and 53 and the money and passed also a memo like Exhibit 56, without even recollecting that he had not placed an order for such a large quantity of ce - ment. This only shows the degree of confidence which - accused had earned from P.W. 14 by long service under him and the extents to which accused was allowed a free hand - in all matters relating to Cement. It has already been pointed out that P. W. 14 did not insist on Office routine before signing Exhibits P. 9. 51 and 63. I think, that the fault lay in allowing accused to follow Mr.N.Subba Rao - wherever he went since 1927. It is no wonder then that accused was able to put through an indent like Exhibit P. 51 and to obtain large quantities of cement under it, at the cost of Government."

Extract of the evidence of Mr. V. T. Srinivasan, Assistant Comptroller, in Sessions Case No. I of 35-36, Mysore, on the file of the Additional - Assistant Sessions Judge, Mysore.

* *

" I have submitted a report in two parts to the Comptroller, about this and he has for - warded them to the Government and the Chief - Engineer. I notice certain defects in procedure in the said Division both on the Executive and on the accounts side and I embodied them in my report. One of the defects on the Executive side was that during the whole period covered by the audit there was nothing on record to show that the stock of - cement had been checked by the Executive Engineer either when he placed an indent for the supply of cement or when he passed a bill for the supply of cement;

(ii). The Measurement book that was maintained for noting for the supply of cement received was being initialled by the Executive Engineer without check ing the stock received ;

(iii). When indents were placed by the Executive Engineer on the basis of actual balances noted -

by the Store -Keeper such balances were not got verified with reference to the book - balances or account balances at any time.

(iv). When bills for supply of cement were passed by the Executive Engineer he did not take the precaution of checking them with - reference to the Office copies of the indents;

(v). In March 1934 ,one Executive Engineer was relieved by another but the stocks of - cement and other articles were not actually counted by them as required by the code - rules;

(vi). It was noticed that a bill for two Half Wagon loads of cement was passed by the Executive Engineer in March 1934 and an - objection had been taken by the audit office to the effect that a full wagon load could have been purchased and that a Saving of Rs 135/- in freight could have been effected. The Executive Engineer, who had obtained the two half wagon loads have explained that half wagon loads were ordered because there was no sufficient accommodation in the - Stores for a full wagon load. This explanation had been passed on to the Audit Office by his successor without actually verifying the - capacity of the stores.

On the accounts side, the following were the irregularities discovered:-

1. The bills for purchase of cement were passed without checking them with the - Office copy of the indent ;

(ii). The Divisional Accountant ,who is the Manager of the Office, did not ensure that the Office copies of the indents passed through to the Executive Engineer ;

(iii). In respect of cement purchases - entered in the measurement book by the Store Keeper, the Manager permitted the Pricedure under which the Executive Engineer got both the measurement book and the bill (Passed by the Manager) simultaneously for signature;

(iv). The estimates in the Division provided mostly for the use of surki mortar and not cement which was actually used. The Manager (Accoun--tant) did not raise any objection to this.

(v). One consignment of cement was got in June and paid for in July 1934; but it was not posted in the "A" Register till Septr.1934.

These defects and irregularities contri buted to a large extent XXXXX to the shortage of 1937 bags of cement referred to above. I have passed all the local and the Government of Indian Examinations in Accountancy and Auditing required for holding the post of an Asst:Comptroller.

Schedule.

Indent No. & Date.	Quantity ordered.	Date of supply & Bill.	Quantity Supplied.	Bill Amount.	How Bills sent	REMARKS.
566/30-9-33	40 tons	2-10-33	200 Bags	730/-	Through Bank of Mysore.	payment not received.
		16-10-33	200Bags.	730/-	"	"
		31-10-33	200 Bags.	730/-	"	"
		25-11-33	200 Bags.	730/-	"	"
1039/11.12.33	60Tons 1 Wagon of22/23 Tons And the rest 200 Bags.	20-12-33	1 Wagon 22Tons	1457-8-0	"	Payment Received.
		27-1-34	200Bags	730/-	"	"
		13-2-34	200 Bags	730/-	"	"
		17-3-34	200 Bags	730/-	"	payment not received.
493/25-7-34	3 Wagons	30-7-34	3 Wagons 65 Tons & 16 Cwts.	4359-4-0	"	"

* * * * *

Statement showing the orders received and supplies made etc., to The Executive Engineer,

Irwin Canal Division, Mandya, from 1-7-1932 to 23-9-1934.

Indents Received.		Supplies made.		Bills sent.		Payments Received.		Remarks.
No. & Date.	Quantity ordered	Date of ssupply	Actual quantity supplied	Date	Amount.	Date	Amount	Agency.
1. 143/21-7-32	40 bags or 2 tons.	25-7-32	40 Bags or 2 tons.	25-7-32	141- 0-0	8-8-32	141-0-0	By Passed Bill on S.H.Try.
2. 1051/22-12-32.	60 Bagsor 3 tons.	27-12-32	60 Bags or 3 tons	27-12-32	206- 0-0	18-1-33	206-0-0	By R.T.R.
3. 1565/28-3-33	60 Bags 3 tons	31-3-33	60 bags or 3 tons	31-3-33	206- 0-0	20-4-33	206-0-0	Through Bank
4. 1763/18-4-33	300 bags 15 tons	24-4-33 1-5-33	100 Bags 200 Bags	24-4-33 1-5-33	344- 0-0 688- 0-0	5-5-33 26-5-33	344-0-0 688-0-0	-do- -do-
5. 1945/17-5-33	300 Bags in 2 lots.	29-5-33 2-6-33	200 Bags 100 Bags	29-5-33 2-6-33	687-8-0 344-0-0	29-6-33 29-6-33	688-0-0 344-0-0	-do- -do-
6. 2249/23/ 26-6-33	400 Bags in 2 lots.	4-7-33 11-7-33	200 Bags 200 Bags	4-7-33 11-7-33	688- 0-0 688- 0-0	13-11-33 11-8-33	685-0-0) 3-0-0) 688-0-0	By Insured & M.O. Through Bank.
7.850/21-7-33	400 Bags in 2 lots.	26-7-33 29-7-33 31-7-33	200 Bags 100 Bags) 100 Bags)	26-7-33 31-7-33	687- 8-0) 687- 8-0)	4-12-33	1376-0-0	Through Bank

Bills sent

8.566/30-9-33	40 Tons-week by week in lots of 200 Bags or 10 tons.	2-10-33 16-10-33 31-10-33 25-11-33	200 Bags 200 Bags 200 Bags 20 0 Bags	16-10-33 21/31-10-33 25-11-33	730- 0-0 730- 0-0 730- 0-0			Through Bank Payments no Received.
9. 1039/11-12-1933	60 Tons-one wagon of 20 to 23 tons and the rest in lots of 200bags each	20-12-33 27-1-34	1 wagon 22 tons 200 Bags 200Bags 200 Bags	20-12-33 27-1- 34 13-2- 34 17-3-34	1457- 8-0 730- 0-0 730- 0-0 730- 0-0	31-1-34 30-4-34	1457-0-0 1460-0-0	Through Bank Through Bank Payment not Received . Bill sent through Bank
10.1625/2/3-3-1934.	1 wagon-load.	31-3-34	1 wagon 22 tons	31-3-34	998-14-0	3-5-34	998-14-0	Through Bank
11.2096/23/24--4-34.	1 wagon-load	3-5-34	1 wagon 22 tons	3-5-34	1457- 8-0	2-6-34	1457- 8-0	-do-
12.2422/26-5-34.	2 Wagons loads	4-6-34 5	1 wagon 23 tons	4/5-6-34	1523-12-0			
		11-6-34	1 wagon 23 tons.	11-6-34	1523-12-0	28-6-34	3047-8-0	-do-
13.2624/16/18--6-1934.	2 Wagon loads	25-6-34	1 wagon) 19 tons) 1 wagon 22 tons)	25-6-34	1857-10-0	6-8-34	1857-10	-do-
14.193/25-7-34 (urgent)	3 Wagons loads	30-7-34	3 Wagons 65 Tons & 16 Cwts.	30-7-34	4359- 4-0			Payment not Received. Bills sent through Ban k

E & O.E.

PETITIONERS:-

Messrs. B.V.Narayanaswami & Co.,
Cement Suppliers,
Bangalore City.

****

In the matter of their claim with the Government for Cement supplied to the Executive - Engineer, Irwin Canal Division, M a n d y a.

****

2296/38

K. Ramaswamy, B.A., B.L.,
Public Prosecutor

GEN. & REV. SECRETARIAT. 14. OCT. 1938 PROTECTION BRANCH.

Mysore,
Dated 13th October 193 8

D.O.No. 598

Dear Mr.Ramakrishnaiya,

O.S.10 of 36-37 (Cement Case) is posted for evidence on the 18th instant. You know that I have submitted a Note to the Additional Secretary explaining the nature of the suit claim and also the defence.

May I request you to kindly let me know if the Government have any instructions to communicate to me before the date of hearing. The learned District Judge is anxious to proceed with the case unless the question of the plaintiff's proposal to compromise the claim is engaging the attention of the Government.

With kind regards,

Yours sincerely,

K Ramaswamy

for perusal
BKR
14.10

Addl Secy)

It may be stated that
The petn given by the party
under the consideration of the Govt.

Subd. with a draft for approval.

15/10

TYPING SECTION. 15 OCT 1938 GEN. & REV. SECTT.

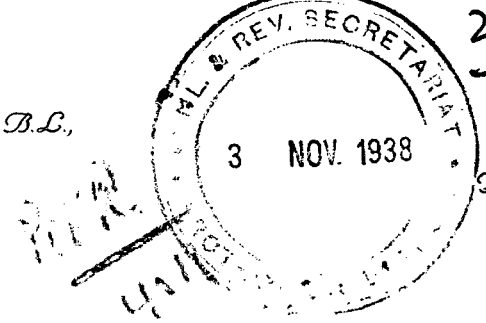
NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

2780/38

K. Ramaswamy, B.A., B.L.,
Public Prosecutor

Mysore,
Dated 3rd. Nov. 1938.



D.O. 729.

Dear Mr. Ramakrishnaiya,

O.S. 10/36-37 (Messrs. B.V.N. and Co Vs. Chief Secretary to the Govt. of Mysore and two others) on the file of the District Judge, Mysore.

I beg to state that the above-noted suit had been set down for reporting compromise or for evidence on 31.10.38. As no intimation was received from Government I have obtained an adjournment till the 14th instant. If the Government should decide that the suit may be proceeded with, it will be conducted on behalf of Government according to the defence pleaded and all the circumstances of the orders for supply of cement will be explained to the court as per details contained in the Note submitted by me to the Additional Secretary.

I request the favour of a reply so as to reach me before the date of hearing.

In case the Government are pleased to direct that the suit may proceed my Note may

Kindly be returned as I do not possess an exact copy of it.

Yours Sincerely
K Rama Bhatt

To

B. K. Ramakrishnaiya Esq. M.A. LL.B
Assistant Secretary to Government
Law Section Bangalore.

Subj.
The main file is before the Addl Secy

4/11

For personal
BKR
4.11

Addl Secy)

GENERAL AND REVENUE SECRETARIAT

D. O. No. P/185

Dated, Bangalore, 15th October 1938

Subject:- O.S. No.10/36-37 on the file of the District ~~Magistrate~~ Munsiff, Mysore, (Messrs. B.V. Narayanaswamy & Co., Vs. Government).

...

Dear Mr. Ramaswamy,

In reply to your D.O.No.598 dated 13th October 1938 to Mr B.K. Ramakrishnaiya in regard to the above case, I am desired to state that the petition of the Plaintiff to the Government is under the consideration of the Government.

Yours sincerely,

15.10

K. Ramaswamy, Esq., B.A., B.L.,
Public Prosecutor,
Mysore.

Immediate

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No.

Serial No.

...ry No. of letter replied to .....

D. O. No. P 1857

To

Subject :- O. S. No. 10/36-37 on the file of the Dist. Judge, Mysore (Messrs B. V. Narayanaswamy & Co Vs Govt.)

General and Revenue Secretariat

( )

the 193

Dear Mr. Ramaswamy,

Date of issue 15/10/38

In reply to your D. O. No 598, dated 13th Oct: 1938 by Mr. A.S.R

in regard to the above case, I am desired to State that the petition of the Plaintiff to the Govt is under the Consideration of the Govt.

...nclosures.....

Yours Sincerely.

15/10

...y.....

To

Examined by.....

K. Ramaswamy Esq BA BL
Pleader
Mysore.

WD 0278—GPB—30,000—4-3-38

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... .....

General and Revenue Secretariat

( )

the *193*

Date of issue Jan 8 K-2

Signed by 12/1/38

List of enclosures.....

Copied by .....

Examined by..... .....

Section

File No.

Serial No.

No. P. 2379/Sec. 77.1-14)

To

Do. 10 of 36 37
on the file of the D.S. Mysore
(B.V. Narayanaswamiya
& Govt Pleader)

Dear Mr Ramaswamy,

I am
desired to state that the Govt
are not agreeable to a compromise
and that the case may be
proceeded with

The note submitted
by you with your Do. letter 565 dated
3.10.38 is returned herewith
as desired by you

Yours sincerely
BCR

K. Ramaswamy Esq BA BL
Pleader
Mysore

WD 03601—GPB—30,000—23-9-35

Appendix F G—1]

Immediate

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No.

Diary No. of letter replied to .....

D. O. No. P 2399/Revenue Records

General and Revenue Secretariat

( )

the *193* .

Subject:— O.S. No. 10/36-37 on the file of the Dist. Judge, Mysore (B.V. Narayanaswamy & Co. Vs Govt. and others.)

Date of issue 14/11/38

Dear Mr. Ramaswamy,

Signed by BKR

In continuation of my D.O. No. P 2379 dated 12-11-38 in regard to the above case, I am directed to forward herewith the documents connected to the above case, which were submitted by you along with your note on 3-10-38.

List of enclosures.....

Yours Sincerely.

BKR

Copied by .....

Examined by.....

To

K. Ramaswamy Esq. B.A., B.L.
P. R.
Mysore

WD 0278—GPB—30,000—4-3-38

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127-35

Serial No.

Diary No. of letter replied to .....

D. O. No. P2398/Secretariat file of papers

General and Revenue Secretariat

( )

the *193* .

Subject:- O. S. 10/36-37 on the file of the Dist. Judge, Mysore (B. V. Narayanaswamy & Co. Vs Govt. & others.)

Date of issue 14/11/38

Dear Sir,

Signed by Sd/- BKR

I am desired to return herewith the copy of Mr. V. T. Sreenivasan's Special audit report in two parts received with your D. O. No. 308/E. 5. dated 16th Sept. '38.

Yours Sincerely

BKR

List of enclosures.....

Copied by .....

To

M. Viraj Urs Esq.

Examined by.....

Comptr.

WD 0278—GPB—30,000—4-8-38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT

No. P239 / Law 127-35-24

Dated, Bangalore, 14th November 1938

ENDORSEMENT.

To

Messrs. B.V.Narayanaswamy & CO.,
42, Arcot Sreenivasachar's Stree,
Bangalore City.

Subject:- O.S.No.10/36-37 on the file of the District Judge, Mysore (B.V.Narayanaswamy & Co., VS. Government.

With reference to their petition dated Nil presented 9-39 Messrs. B.V.Narayanaswamy and Co., are hereby informed that the Government consider that the suit should be decided by the Court.

By Order,

For Additional Secretary to Govt.

MK.

x F G—1]

ECT.....

.....

.....

Section Law

File No. 127-35

Serial No. 24

Di . of letter replied to .....

No. Endorsement
P 2397

To

ral and Revenue Secretariat

( )

the 193

Subject:— O.S. No. 10/36-37 on the file of the Dist. judge, Mysore (B.V. Narayanaswamy & Co. Vs Govt.)

Da on to-sue..... 14/11/38

Si by ..... Sd-BKR

With reference to their petition dated Nil presented on 10.9.38, Messrs B.V. Narayanaswamy and Co. are hereby informed that the Govt. Consider That ~~are of opinion that the matter may be allowed to be~~ The suit should be decided by the Court.

By order

BKR
for Addl. Secy.

List of enclosures.....

Copied by .....

To

Messrs B.V. Narayanaswamy & Co.
42. Arcot Sreenivasachari's Street
Bangalore City.

Examined by.....

WD 0278—GPB—30,000—4-3-38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

5279/P

REV. SECRETARIAT

22. FEB. 1939

Comptroller's Office Bangalore.

DXR 22.2

No. 201/

Dated the 21st February 193

The Additional Secretary
to Government, Bangalore.

Sir,

In inviting kind reference to this office unofficial reply No.308/ES. dated 16th September 1938, I have the honour to request you to kindly retransmit the copy of Mr. V.T. Srinivasan's special Audit Report in two parts sent with the reference under advertance.

I have the honour to be,
Sir,
Your most obedient servant,

For Comptroller.

This has already been returned the Comptr with this office letter P 2398, dy 14-11-38 (Flag F)
A draft to the Comptr so forming is put up for approval.
3.3.

DSM DXR 24.2

BB

SECTION

SECTT.

NO. P 4614, dy 25-2-39

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat

No. P 4614

Dated, Bangalore, 25/2/39
24th February 1939

From

The Additional Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Comptroller to Government,
Bangalore.

Sir,

With reference to your letter No.801, dated 21st February 1939 requesting to retransmit the copy of Mr.V.T.Sreenivasan's Special Audit Report in two parts, I am directed to state that the same has already been returned to you with this office D.O.No. P.2398, dated 14th November 1938.

I have the honor to be,
Sir,
Your most obedient servant,

for Addl. Secretary to Government.

TR:.2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 25/2/38

Signed by .....

List of enclosures.....

Copied by.....

Examined by.....

Section Law

File No.

Serial No.

No. D - 616/4

To The Comptr.

Sir,

With reference to your letter no. 801, dated 21st Feb: 1938 requesting to re-transmit the copy of Mr. V.T. Sreenivasan's Special Audit Report in two parts, I am directed to State that the same has already been returned to you with this office D.O. no. P 2398, dated 14-11-38

I have etc:

BXR

for Addl Secy:

No. 1468

Encs —

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE

6251/P Dated 5th April 1939.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The Additional Secretary to the Govt. of Mysore
Law Section; Bangalore

8.4

SUBJECT:— O.S. 10/36-37 (Messrs. B.V.N. & Co. Vs. Chief Secretary and two others) on the file of the District Judge, Mysore

SIR,

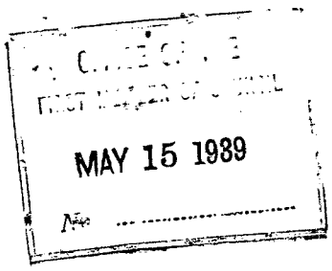
I have the honour to report that the above-noted case has been posted to 23-5-39 for further proceedings.

I have the honour to be,
Sir
Your most obedient servant.

R. Ramaswamy

Public Prosecutor

"Without Prejudice



7022/P
Law Secretary for a note
15/5/39
1542/165

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE.

PETITIONERS:-- B. V. Narayanaswami & Co.,
Cement Suppliers,
42, Arcot Srinivasachar Street,
Bangalore City,
(By B.V.Narayanaswami and K.R.Srinivasan).

(REFERENCE:- O.S.No. 10 of 1936-37 on the File of the District Judge, Mysore.)

The Petitioners abovenamed m o s t - respectfully beg to state as follows:--

1. That they are dealers in Cement, carrying on trade on a large scale, in Bangalore. They have been supplying Cement for over 12 years to Government Departments.

2. That they have supplied Cement to the Executive Engineer, Irwin Canal Division, Mandya. The Cement was being utilised for the purposes of constructions of the Irwin Canal Division, as well as for other purposes. The supplies of Cement to the Executive Engineer were being duly paid for; but, later, the Executive Engineer, Irwin Canal Division, made a default in respect of a large outstandings to the extent of about Rs.9,400/- and odd. In the circumstances, the Petitioners made a representation

representation to the Department and Government, but were obliged to file a suit in the District Court, Bangalore Division, on the last day of Limitation. The Case, which was subsequently transferred to Mysore Division, being contested by the Government, it is now pending disposal and comes on the 23rd instant.

3. That, as the Cement that was supplied to the Executive Engineer, Irwin Canal Division, Mandya, was not properly accounted for in the Division, the Government proceeded criminally against the Store-keeper and others of the Division. The Sessions Trial, that was held in this connection (Sessions Cases 1 and 2 of 35-36 on the file of the Sessions Judge, Mysore and Special Magistrate's Court, Mysore), ended in the conviction of the Store-keeper.

4. That a perusal of the Judgment of the learned Assistant Sessions Judge in the above Sessions Trial and evidence both oral and documentary of Mr. V. T. Srinivasan, the Officer who was specially deputed to audit the Accounts, would show beyond a shadow of doubt that supplies were actually made and that the defalcation in respect of Cement supplied was occasioned by the non-observance of Rules and by the negligence and laches of the Officers concerned. For ready reference, the Extracts of the Judgment in Sessions Cases 1 and 2, are herewith annexed.

5. That

5. That, as for the supplies of Cement - made by the Petitioners, they are fully supported by the orders placed by the Executive Engineer - and duly acknowledged and executed by the Petitioners. The Railway Receipts of the consignments and correspondence, etc., relating to it (including Insurance and Registered letters) were addressed to the Executive Engineer only and all the relative Bills sent through the Bank of Mysore, Ltd.

6. That, further, the Petitioners, being an old Firm of Cement Dealers with extensive connections locally and elsewhere, would not foist a case, especially against the Government of whom - they have been Approved Dealers since long. As has been pointed out, the Petitioners had no idea to file the suit against the Government. It was only the exigencies of circumstances that forced them - to take out that step. Even now, they are n o t anxious to continue the proceedings, as they desire, as in duty bound, to continue their cordial relations with the Government.

7. That the Petitioners beg to state that several other Criminal Proceedings against the receivers of cement at Mysore have been withdrawn by the Government. The only matter, now pending, is the above suit of the Petitioners.

8. That the Petitioners beg to add that, out of the two Defendants (against whom also the suit has been instituted), Mr. C.T.Narasimha Iyengar

Iyengar has already retired and Mr. N. Subba Rao is expected to retire shortly. If the matter is delayed further, it will be difficult to proceed against them and to recover the amount.

9. That the Petitioners have spent a large amount in the shape of legal and other charges, and they have been put to a great loss due to the heavy amount being withheld. They are, however, willing to abide by the Orders that may be passed by the Benign Government towards arriving at a reasonable Compromise in the matter.

Wherefore, the Petitioners most respectfully pray that the Benign Government may kindly be pleased to pass Emergent Orders and have their Case settled out of Court and Justice done to them.

D Narasimhaiah

K R Srinivasan

Bangalore,
Dated 5-5-1939

Petitioners.

Extract of the Judgment of the Additional Assistant Sessions Judge, Mysore - In Sessions Case No. 1 of 1935-36.

There were several defects in the procedure of the Office of the Executive Engineer No. V Irwin Canal Division, Mandya, both on the Executive and Accounts side, as shown to by the Assistant Comptroller (Mr. V. T. Srinivasan -- P. W. 16)who was responsible for the special audit conducted after the defalcations came to light. The defects on the Executive side enumerated by P.W.16 are (i) that stock was not actually checked by the Executive Engineer when passing indents or bills (ii) that the measurement - book was being intialled by the Executive Engineer without checking the stock; (iii) that the book balance was not checked when indents were passed on the basis of actual balances noted by the Store-keeper; (iv) that bills were passed without checking them with reference to the Office copies of the indents (v) that the stock was not actually counted, when one Executive Engineer was succeeded by another in March 1934 and (vi) that two half wagon loads were ordered and bills for the same passed inMarch 1934, that when the Comptroller pointed out that a saving of Rs.135/- could - have been made by ordering a full wagon load, the Executive Engineer who order consignment, explained, that half wagon loads were ordered because accommodation - in the Stores was insufficient and that his successor passed on that explanation without verifying the capacity of the Stores. The defects on the accounts side enumerated by P.W.16 are (i) that bills were passed without checking them with reference to the Office copies of the indents;

(ii) that

(ii) that the accountant or Manager did not ensure that Office copies of indents passed through h i m;

(iii) that the measurement book and the bill were both allowed to go simultaneously to the Executive Engineer for signature;

(iv) that though the estimates in the Division provided mostly for the use of surki mortar and no cement (which was actually used) the Account did not raise any objection to the use of the cement;

a n d

(v) that one consignment of cement got in June 1934 and paid for in July 1934 was not posted in the "A" Form Register till September 1934. It has also been elicited fromP.W.16 in cross examination that the periodical counting had to be done by a Gazetted Officer and that the test Audit of November 1938 showed that the counting had been done only by an Overseer. P.W. 16 has sworn that these defects made the defalcations possible and that they were largely responsible for the defalcations.

Most of these defects are admitted by the two Execugive Engineers, viz., Mr. N. Subba Rao (W. 10) and Mr. C. T. Narasimha Iyengar (P.2) who were in charge of the Division during the period covered by the defalcations. The testimony of the Assistant Engineer (Mr. M. C. Sampatha Iyengar P.W.1) and the Accountant (Mr. Singraiengar P.W.5) proves the existence of some more of the defects. P.W.10 has conceded that the Executive Engineer is the Officer responsible for seeing that the cement received from the suppliers is put into the Stores and that he did not see whether the 440 bags got under the Railway

Railway Receipt (Ex. P.72) were actually received into the Stores. He has also admitted that the "A" Form Register had been posted only up to the end of February 1934, when he handed over charge to Mr. C.T.Narasimha Iyengar (P.W.2) on 26-3-1934 and that no attempt was made before handing over charge to see whether the actual balance of cement tallied with the book balance. The fact that the periodical counting has to be done by a Gazetted Officer is clear from the Memo Exhibit P.59) put up by P. W. 5 in July 1934. In spite of it, P.W.10 had passed a Memo like Exhibit P.70 in 1933 directing Mr. Sharma (P.W.9) to do the half yearly counting. P.W.9 has done the half yearly counting on two occasions in 1933, viz., on 4-7-1933 as per Exhibit P. 69 (b) and on 31-12-1933, as per Exhibit P.71. Though the half yearly forecast for 1933-34 is admitted by P.W.19 to have been 300 bags, it did not occur to him even when he made the endorsement Exhibit P.72 (a) for 440 bags and passed other orders relating to that consignment, that the forecast had been exceeded and that the indent was a bogus indent. We are not concerned in this case with the fact whether the said indent was actually a bogus indent. Mr. C.T.Narasimha Iyengar (P.W.2) has also conceded that he does not remember whether the "A" form register had been posted up the date when took charge on 26-3-1934. He has stated that he has initialled the "A" form register once a month but has admitted that he has not checked the stores, before initialling it, with reference to the Daily receipts Register. Ex.P.52 and the Daily Issues Register (Ex. P.53). He has seriously asserted that he counted the articles on 3-9-1934 and

that

that he found 793 bags that day, as per Ex. D1(a). But Exhibit D1 is only a statement of stock on hand on 30-6-34 prepared by the Stores Accounts clerk (Rajiengar) P.W.19) and the figures '793' shown at the place (Ex.D1(a) is only the balance shown as on hand on 30-6-34. Hence it is clear that the counting said to have been done on 3-9-34 is absolutely imaginary. He has also admitted that he signed certificates in Form No.163 A like Exhibits P.45 and P.37, relying solely on stock certificates like Exh. P.38 (as) made by accused on firm bills and without satisfying himself that the stock had been physically put into the stores. It is clear from this that the measurement book, the firm bill and the certificate in Form No.163(a) were all going simultaneously for the Executive Engineer's signature, and that they were all passed relying solely on entries made by the Store Keeper 2 (Accused). Orders for getting supplies of cement were passed on Memos like Exhibits P.2 and P.4 which did not state the actual balance of cement in the stores and which evaded such statement by simply mentioning that about 100 bags and 50 bags were on hand out of the consignments received just prior to the dates of those memo. Though according to the letter (Ex.P.56) written to the Post Office the account was authorised to receive, at the Post Office window, registered letters and insured articles addressed to the Executive Engineer, accused who was neither the Accountant nor the Cashier was allowed to receive such letters and articles, as proved by Ex.P.7, P.28 28(a) P.289 b0 P.40 P.49(a) and P.55. The insured letters received from the suppliers for paying the Railway freights on the consignment of cement generally contained accounts

accounts coming very nearly to Rs.500/- and - accused was allowed to handle such large amounts, though the sub imprest allowed to him could not exceed Rs.40/- as admitted by P.W.2. The fact that cement was ordered in two half wagon loads by P.W.10 and that objection was taken thereto by the Comptroller is conceded by P.W.5. The P.W.10 sent up an explanation for the same is also clear and that the said explanation which was to the effect that there was no accommodation in t h e Stores for a full wagon load was passed on by P.W.2 capable of leading to the inference that P.W.2 had never visited the Stores before passing it on.

No technical or expert opinion is required for the position that such indifference to duty and disregard of codal rules by responsible Division Officers gave facilities for defalcations of the kind, we are now dealing with. There is a big volume known as the Public Works Accounts Code, which contains elaborate rules fixing the duties and responsibilities of Division Officers, Accountants and Store Keepers in respect of stores and prescribing the way in which various accounts etc., have to be maintained and checked in order to safeguard leage or misappropriation. Article 171 thereof prescribes the duties and responsibilities of the Executive Engineer in respect of measurement books relating to Stores. Article 251 says, how accounts of daily receipts and issues have to be maintained. Article 252 relates to monthly abstracts of receipts and issues of stores. Article 359 makes the Divisional Officer primarily responsible for the Stores. Articles 363 and 365 say that periodical counting has to be done

done only by a Gazetted Officer. Articles 662 and 665 prescribe the duties of the Divisional Accountant. The case for the prosecution is that all these Codal Rules were practically ignored in No. V Irwin Canal Division at Mandya and that accused was all ed a free hand and was the sole master at least in so far as the transactions relating to cement were concerned.

"One question naturally arises in a case like this and that is whether the whole thing could be a secret affair m known only to the accused or whether other persons in the Office should also have been in the know. The way in which accused was allowed to receive insured letters containing the freight amount the continued laxity in the matter of seeing that the consignment received by him were physically put in the stores, the fact that the A form register was n o t posted up for month together, for instance from - 30-6-34 up to 27-9-34 as sworn to by P.W.15 that circumstances that Rajiengar (P.W.19) who was the Stores Accounts Clerk never brought such defects in t h e Stores Accounts to the notice of the Officer, t h e fact that he h was a distant relative of the Executive Engineer (P.W.2) on his wife's side and the fact that P.W.2 rarely visited the Stores and counted the stock seem to me to indicate that the defalcations were not entirely a secret affair and that most people in the Division knew about it.

P.W.19 was working in the Stores and it is difficult to explain how he kept quiet when quantities much smaller than consignment were brought and put into the stores. The facilities provided by t h e

the Station Masters for booking large quantities out of such consignments then and there in the Railway Station and for despatching them almost by the same train by which they arrived, in spite of the fact, that Government Cement was being handled in that manner, ~~xk~~ show that the Railway Officials too must have been bought in. Otherwise it is impossible for such things to go on systematically for such a long time in a small station like Mandya.

Extract of the Evidence of Mr. V. T. Srinivasan, Assistant Comptroller, in Sessions Case No.1 of 35-36, Mysore, on the file of the Additional Assistant Sessions Judge, Mysore.

"I have submitted a Report in two parts to the Comptroller, about this and he has forwarded them to the Government and the Chief Engineer. I notice certain defects in procedure in the said Division both on the Executive and on the Accounts side and I embodied them in my report. One of the defects on the Executive side was that during the whole period covered by the audit there was nothing on record to show that the stock of cement had been checked by the Executive Engineer either when he placed an indent for the supply of cement or when he passed a bill for the supply of cement;

(ii). The Measurement Book that was maintained for noting for the supply of cement received was being initialled by the Executive Engineer without checking the stock received;

(iii). When indents were placed by the Executive Engineer on the basis of actual balances noted by the Store-keeper such balances were not got verified with reference to the book - balances or account balances at any time.

(iv). When bills for supply of cement were passed by the Executive Engineer he did not take the precaution of checking them with reference to the Office copies of the indents;

(v). In March 1934, one Executive Engineer was relieved by another but the stocks of cement and other articles were - not actually counted by them as required by the Code Rules;

(vi). It was noticed that a Bill for two Half Wagon loads of cement was passed by the Executive Engineer in March 1934 and an objection had been taken by the Audit Office to t h e effect that a full wagon load could have been purchased and that a Saving of Rs.135/- in freight could have been effected.

The

The Executive Engineer, who had obtained the two half wagon loads have explained that half wagon loads were ordered because there was no sufficient accommodation in the Stores for a full wagon load. This explanation had been passed on to the Audit Office by his successor without - actually verifying the capacity of the Stores.

On the accounts side, the following were the irregularities discovered:-

1. The bills for purchase of cement were passed without checking them with the Office copy of the indent;

(ii). The Divisional Accountant, who is the Manager of the Office, did not ensure that the - Office copies of the indents passed through to the Executive Engineer;

(iii). In respect of cement purchases entered in the Measurement Book by the Store-keeper, the Manager permitted the Procedure under which the Executive Engineer got both the measurement book and the bill (passed by the Manager) simultaneously for signature;

(iv). The estimates in the Division provided mostly for the use of Surki Mortar and not cement which was actually used. The Manager (Accountant) did not raise any objection to this.

(v). One consignment of cement was got in June and paid for in July 1934; but it was not posted in the "A" Register till September 1934.

These

These defects and irregularities contributed to a large extent to the shortage of 1937 bags of cement referred to above. I have passed all the Local and the Government of India Examinations in Accountancy and Auditing required for holding the post of an Asst. Comptroller."

Extract from the Judgment of the Additional Assistant Sessions Judge, Mysore, in Sessions Case No.2 of 1935-36.

"It is rather strange that Mr. N. Subba Rao, handled Exhibits P.11, 16 and 53 and the money and passed also a Memo like Exhibit 56, without even recollecting that he had not placed an order for such a large quantity of cement. This only shows the degree of confidence which accused had earned from P.W.14 by long service under him and the extents to which accused was allowed a free hand in all matters relating to Cement. It has already been pointed out that P.W.14 did not insist on Office routine before signing Exhibits P. 9, 51 and 63. I think that the fault lay in allowing accused to follow Mr. N. Subba Rao wherever he went since 1927. It is no wonder then that accused was able to put through an indent like Exhibit P.51 and to obtain large quantities of cement under it, at the cost of Government."

Schedule.

Indent No. and Date.	Quantity ordered.	Date of supply & Bill.	Quantity supplied.	Bill Amount.	How Bills sent.	Remarks.
566/30-9-33.	40 Tons	2-10-33	200 bags.	730/-.	Through Bank of Mysore.	Payment not received.
		16-10-33	200 "	730/-.	-do-	-do-
		31-10-33	200 "	730/-.	-do-	-do-
		25-11-33	200 "	730/-.	-do-	-do-
1039/11-12-33)	60 Tons 1 Wagon of 22/23 Tons And the rest 200 bags.	20-12-33	1 Wagon 22 Tons.	1,457-8-0	-do-	Payment received.
		27-1-34.	200 Bags.	730/-.	-do-	-do-
		13-2-34.	200 "	730/-	-do-	-do-
		17-3-34	200 "	730/-	-do-	payment not received.
193/25-7-34.	3 Wagons.	30-7-34.	3 Wagons, 65 Tons & 16 Cwts.	4,359-4-0.	-do-	-do-

****

Statement showing the orders received and supplies made, &c., to The Executive Engineer, Irwin Canal Division, Mandya, from 1-7-1932 to 23-9-1934.

Indents received.		Supplies made.		Bills sent.		Payments received.			Remarks.
No. and Date.	Quantity Received	Date of Supply.	Actual quantity supplied	Date.	Amount.	Date.	Amount.	Agency.	
1. 143/21-7-32.	40 bags or 2 Tons.	25-7-32.	40 bags or 2 tons.	25-7-32.	141- 0- 0.	8-8-32.	141- 0- 0.	By passed Bill on S.H. Try.	
2. 2051/22-12-32	60 bags or 3 tons.	27-12-32	60 bags or 3 tons.	27-12-32	206- 0- 0	18-1-33.	206- 0- 0.	By R. T. R.	
3. 1565/28-3-33.	-do-	31-3-33	-do-	31-3-33	206- 0- 0.	20-4-33.	206- 0- 0	Through Bank.	
4. 1763/18-4-33.	300 bags or 15 Tons.	24-4-33	100 bags	24-4-33	344- 0- 0	5-5-33.	344- 0- 0	-do-	
		1-5-33	200 bags	1-5-33	688- 0- 0	26-5-33	688- 0- 0	-do-	
5. 1945/17-5-33	300 bags in 2 lots.	29-5-33	200 bags	29-5-33	687- 8- 0	29-8-33	688- 0- 0	-do-	
		2-6-33.	100 bags	2-6-33	344- 0- 0	29-8-33	344- 0- 0	-do-	
6. 2249/23/ 26-6-33.	400 bags	4-7-33	200 "	4-7-33	688- 0- 0	13-11-33	685- 0- 0 3- 0- 0	By insured & M. O.	
	in 2 lots.	11-7-33	200 "	11-7-33	688- 0- 0	11-8-33	688- 0- 0	Through Bank.	
7. 850/21-7-33	400 bags in 2 lots.	26-7-33	200 bags	26-7-33	687- 8- 0				
		29-7-33	100 "						
		31-7-33	100 "	31-7-33	687- 8- 0	4-1-33	1,376- 0- 0	Through Bank.	
8. 566/30-9-33.	40 tons- week by week in lots of 200 bags or 10 tons.	2-10-33	200 "	2-10-33	730- 0- 0				Bills sent Thro'Bank Payments not recd.
		16-10-33	200 "	16-10-33	730- 0- 0				
		31-10-33	200 "	21/31-10-33.	730- 0- 0				
		25-11-33	200 "	25-11-33	730- 0- 0				
9. 1039/11-10-	60 Tons or								

933.	wagon of 20 to 23 tons and the rest in - lots of 200 bags each.	27-1-34.	22 tons. 200 bags. 200 bags. 200	27-1-34. 730- 0- 0) 13-2-34. 730- 0- 0) 17-3-34. 730- 0- 0.	30-4-34.	1,460- 0- 0	do-	Payment not received. Bill sent thro' Bank.
10. 1625/2/ 3-3-34.	1 Wagon load.	31-3-34	1 wagon 22 tons.	31-3-34	998-14- 0.	3-5-34.	998-14- 0	Through Bank.
11. 2096/23/ 24-4-34.	-do-	3-5-34.	-do-	3-5-34.	1457- 8- 0.	2-6-34.	1457- 8- 0.	-do-
12. 2422/ 26-5-34.	2 Wagon loads.	4/5-6-34.	1 wagon 23 tons.	4/5- 6-34.	1523-12- 0.			
		11-6-34.	-do-	11-6-34.	1523-12- 0.)	28-4-34.	3047- 8- 0.	-do-
13. 2624/16/18- 6-34.	2 Wagon loads.	25-6-34.	1 wagon) 19 tons)	25-6-34	1857-10- 0.	6-8-34.	1857-10- 0.	-do-
			1 wagon) 22 tons)					
14. 193/25-7-34 (Urgent).	3 Wagon loads.	30-7-34.	3 wagons 65 tons &	30-7-34.	4359- 4- 0			Payment not Received. Bills sent thro' Bank.

PETITIONERS:--

B. V. Narayanaswami & Co.,
Cement Suppliers,
42, Arcot Srinivasachar Street,
Bangalore City.

7002/P

Submitted

Mr. Mahomed Shariff, Advocate, ~~Magistrate~~, Bangalore has come here to see the Dewan on the following matter & prays for a few minutes interview:-

It seems one Narasimhaswami has filed a suit against Govt: for Rs 9000 in connection with the Mandya Cement case. There is a claim of a compromise as the Plaintiff is prepared to abide by the decision of Govt. As the Courts open on the 22nd inst. the matter is urgent & so he has brought an application to submit to Dewan & explain the matter

Ce
10/5

I know nothing about this & am sending the petition about it to Commr. But he can take its Comm.

DEWAN'S OFFICE
12 MAY 1939
No. M. 2147-53

MS
10-5-39

Empowered him accordingly. He submits the attached application which may be sent to Chief Secy. for disposal

Ce
10/5.

MS
10-5-39

Chief Sy
W/c

Ce
11/5

Law Section.
MS
13/5.

MKR
13.5

To

Amin-ul-Mulk

SIR Mirza M. Ismail, K.C.I.E., O.B.E.,C.St.J.,

Dewan of Mysore,

Bangalore.

PETITIONERS:-- B. V. Narayanaswami & Co.,
Cement Suppliers,
42, Arcot Srinivasachar Street,
Bangalore City.
(By B.V.Narayanaswami and K.R.Srinivasan).

Most Respected Sir,

REFCE:- O.S. No.10 of 1936-37 on the File of the District Judge, Mysore.

The Petitioners abovenamed m o s t respectfully beg to state as follows:--

1. That they are dealers in Cement, carrying on trade on a large scale, in Bangalore. They have been supplying Cement for over 12 years to Government Departments.

2. That they have supplied Cement to the Executive Engineer, Irwin Canal Division, Mandya. The Cement was being utilised for the purposes of constructions of the Irwin Canal Division, as well

as

as for other purposes. The supplies of Cement to the Executive Engineer were being duly paid for; but later the Executive Engineer, Irwin Canal Division, made a default in respect of large outstandings to the extent of about Rs.9,400/- and odd. In the circumstances, the Petitioners made a representation to the Department and Government, but were obliged to file a suit in the District - Court, Bangalore Division, on the last day of - Limitation. The Case, which was subsequently - transferred to Mysore Division, being contested by the Government, ~~it~~ is now pending disposal and comes on the 23rd instant.

3. That, as the Cement that was supplied to the Executive Engineer, Irwin Canal Division, Mandya, was not properly accounted for in t h e Division, the Government proceeded criminally against the Store-keeper and others of the Division. The Sessions Trial, that was held in this connection (Sessions Cases 1 and 2 of 35-36 on the file of the Sessions Judge, Mysore, and Special Magistrate's Court, Mysore), ended in the conviction of the Store-keeper.

4. That a perusal of the Judgment of the learned Assistant Sessions Judge in the above Sessions Trial and evidence, both oral and documentary, of Mr. V. T. Srinivasan, the Officer who was specially deputed to audit the Accounts, would show beyond a shadow of doubt that supplies were actually made and that the defalcation in respect of Cement

Cement supplied was occassioned by the non-observance of Rules and by the negligence and laches of the Officers concerned. For ready reference, the Extracts of the Judgment in Sessions Cases 1 and 2, are herewith annexed.

5. That, as for the supplies of Cement made by the Petitioners, they are fully supported by the orders placed by the Executive Engineer - and duly acknowledged and executed by the Petitioners. The Railway Receipts of the consignments and correspondence, etc., relating to it (including Insurance and Registered letters)were addressed to the Executive Engineer only and all the relative Bills sent through the Bank of Mysore, Ltd.

6. That, further, the Petitioners, being an old Firm of Cement Dealers with extensive connections locally and elsewhere, would not foist a case, especially against the Government of whom they have been Approved Dealers since long. As has been pointed out, the Petitioners had no idea to file the suit against the Government. It was only the exigencies of circumstances that forced them to take out that step. Even now, they are not anxious to continue the proceedings, as they desire, as in duty bound, to continue their cordial relations with the Government.

7. That the Petitioners beg to state that several other Criminal Proceedings against t h e

receivers

receivers of cement at Mysore have been withdrawn by the Government. The only matter, now pending, is the above suit of the Petitioners.

8. That the Petitioners beg to add that, out of the two Defendants (against whom also the suit has been instituted), Mr. C.T. Narasimha - Iyengar has already retired and Mr. N. Subba Rao is expected to retire shortly. If the matter is delayed further, it will be difficult to proceed against them and to recover the amount.

9. That the Petitioners have spent a - large amount in the shape of legal and other charges, and they have been put to a great loss due to the heavy amount being withheld. They are, however, willing to abide by the orders you may be pleased - to pass towards arriving at a reasonable compromise in the matter.

W h e r e f o r e , the Petitioners - most respectfully pray that you may kindly be pleased to pass Emergent Orders and have their Case - settled out of Court and Justice done to them.

Bangalore City,
5th May, 1939.

We beg to remain,
Most Respected Sir,
Your most obedient servants,

PETITIONERS.

Extract of the Judgment of the Additional Assistant Sessions Judge, Mysore - In Sessions Case No. 1 of 1935-36.

There were several defects in the procedure of the Office of the Executive Engineer No. V Irwin Canal Division, Mandya, both on the Executive and Accounts side, as shown to by the Assistant Comptroller (Mr. V. T. Srinivasan -- P. W. 16)who was responsible for the special audit conducted after the defalcations came to light. The defects on the Executive side enumerated by P.W.16 are (i) that stock was not actually checked by the Executive Engineer when passing indents or bills (ii) that the measurement - book was being intialled by the Executive Engineer without checking the stock; (iii) that the book balance was not checked when indents were passed on the basis of actual balances noted by the Store-keeper; (iv) that bills were passed without checking them with reference to the Office copies of the indents (v) that the stock was not actually counted, when one Executive Engineer was succeeded by another in March 1934 and (vi) that two half wagon loads were ordered and bills for the same passed in March 1934, that when the Comptroller pointed out that a saving of Rs.135/- could - have been made by ordering a full wagon load, the Executive Engineer who order consignment, explained, that half wagon loads were ordered because accommodation - in the Stores was insufficient and that his successor passed on that explanation without verifying the capacity of the Stores. The defects on the accounts side enumerated by P.W.16 are (i) that bills were passed without checking them with reference to the Office copies of the indents;

(ii) that

(ii) that the accountant or Manager did not ensure that Office copies of indents passed through h i m;

(iii) that the measurement book and the bill were both allowed to go simultaneously to the Executive Engineer for signature;

(iv) that though the estimates in the Division provided mostly for the use of surki mortar and no cement (which was actually used) the Account did not raise any objection to the use of the cement;

a n d

(v) that one consignment of cement got in June 1934 and paid for in July 1934 was not posted in the "A" Form Register till September 1934. It has also been elicited fromP.W.16 in cross examination that the periodical counting had to be done by a Gazetted Officer and that the test Audit of November 1938 showed that the counting had been done only by an Overseer. P.W. 16 has sworn that t hese defects made the defalcations possible and that they were largely responsible for the defalcations.

Most of these defects are admitted by the two Execugive Engineers, viz., Mr. N. Subba Rao (W. 10) and Mr. C. T. Narasimha Iyengar (P.2) who were in charge of the Division during the period covered by the defal cations. The testimony of the Assistant Engineer (Mr. M. C. Sampatha Iyengar P.W.1) and the Accountant (Mr. Singraiengar P.W.5) proves the existence of some more of the defects. P.W.10 has conceded that the Executive Engineer is the Officer responsible for seeing that the cement received from the suppliers is put into the Stores and that he did not see whether the 440 bags got under the Railway

Railway Receipt (Ex. P.72) were actually received into the Stores. He has also admitted that the "A" Form Register had been posted only up to the end of February 1934, when he handed over charge to Mr. C.T.Narasimha Iyengar (P.W.2) on 26-3-1934 and that no attempt was made before handing over charge to see whether the actual balance of cement tallied with the book balance. The fact that the periodical counting has to be done by a Gazetted Officer is clear from the Memo Exhibit P.59) put up by P. W. 5 in July 1934. In spite of it,P.W.10 had passed a Memo like Exhibit P.70 in 1933 directing Mr. Sharma (P.W.9) to do the half yearly counting. P.W.9 has done the half yearly counting on two occasions in 1933, viz., on 4-7-1933 as per Exhibit P. 69 (b) and on 31-12-1933, as per Exhibit P.71. Though the half yearly forecast for 1933-34 is admitted by P.W.19 to have been 300 bags, it did not occur to him even when he made the endorsement Exhibit P.72 (a) for 440 bags and passed other orders relating to that consignment, that the forecast had been exceeded and that the indent was a bogus indent. We are not concerned in this case with the fact whether the said indent was actually a bogus indent. Mr. C.T.Narasimha Iyengar (P.W.2) has also conceded that he does not remember whether the "A" form register had been posted up the date when took charge on 26-3-1934. He has stated that he has initialled the "A" form register once a month but has admitted that he has not checked the stores, before initialling it, with reference to the Daily receipts Register. Ex.P.52 and the Daily Issues Register (Ex. P.53). He has seriously asserted that he counted the articles on 3-9-1934 and

that

that he found 793 bags that day, as per Ex. D1(a). But Exhibit D1 is only a statement of stock on hand on 30-6-34 prepared by the Stores Accounts clerk (Rajiengar) P.W.19) and the figures '793' shown at the place (Ex.D1(a) is only the balance shown as on hand on 30-6-34. Hence it is clear that the counting said to have been done on 3-9-34 is absolutely imaginary. He has also admitted that he signed certificates in Form No.163 A like Exhibits P.45 and P.37, relying solely on stock certificates like Exh. P.38 (as) made by accused on firm bills and without satisfying himself that the stock had been physically put into the stores. It is clear from this that the measurement book, the firm bill and the certificate in Form No.163(a) were all going simultaneously for the Executive Engineer's signature, and that they were all passed relying solely on entries made by the Store Keeper 2 (Accused). Orders for getting supplies of cement were passed on Memos like Exhibits P.2 and P.4 which did not state the actual balance of cement in the stores and which evaded such statement by simply mentioning that about 100 bags and 50 bags were on hand out of t h e consignments received just prior to the dates of those memo. Though according to the letter (Ex.P.56) written to the Post Office the account was authorised to receive, at the Post Office window, registered letters and insured articles addressed to the Executive Engineer, accused who was neither the Accountant nor the Cashier was allowed to receive such letters and articles, as proved by Ex.P.7, P.28 28(a) P.289 bO P.40 P.49(a) and P.55. The insured letters received from the suppliers for paying the Railway freights on the consignment of cement generally contained accounts

accounts coming very nearly to Rs.500/- and accused was allowed to handle such large amounts, though the sub imprest allowed to him could not exceed Rs.40/- as admitted by P.W.2. The fact that cement was ordered in two half wagon loads by P.W.10 and that objection was taken thereto by the Comptroller is conceded by P.W.5. The P.W.10 sent up an explanation for the same is also clear and that the said explanation which was to the effect that there was no accommodation in t h e Stores for a full wagon load was passed on by P.W.2 capable of leading to the inference that P.W.2 had never visited the Stores before passing it on.

No technical or expert opinion is required for the position that such indifference to duty and disregard of codal rules by responsible Division Officers gave facilities for defalcations of the kind, we are now dealing with. There is a big volume known as the Public Works Accounts Code, which contains elaborate rules fixing the duties and responsibilities of Division Officers, Accountants and Store Keepers in respect of stores and prescribing the way in which various accounts etc., have to be maintained and checked in order to safeguard leage or misappropriation. Article 171 thereof prescribes the duties and responsibilities of the Executive Engineer in respect of measurement books relating to Stores. Article 251 says, how accounts of daily receipts and issues have to be maintained. Article 252 relates to monthly abstracts of receipts and issues of stores. Article 359 makes the Divisional Officer primarily responsible for the Stores. Articles 363 and 365 say that periodical counting has to be done

done only by a Gazetted Officer. Articles 662 and 665 prescribe the duties of the Divisional Accountant. The case for the prosecution is that all these Codal Rules were practically ignored in No. V Irwin Canal Division at Mandya and that accused was allowed a free hand and was the sole master at least in so far as the transactions relating to cement were concerned.

"One question naturally arises in a case like this and that is whether the whole thing could be a secret affair m known only to the accused or whether other persons in the Office should also have been in the know. The way in which accused was allowed to receive insured letters containing the freight amount the continued laxity in the matter of seeing that the consignment received by him were physically put in the stores, the fact that the A form register was n o t posted up for month together, for instance from - 30-6-34 up to 27-9-34 as sworn to by P.W.15 that circumstances that Rajiengar (P.W.19) who was the Stores Accounts Clerk never brought such defects in t h e Stores Accounts to the notice of the Officer, t h e fact that he h was a distant relative of the Exedutive Engineer (P.W.2) on his wife's side and the fact that P.W.2 rarely visited the Stores and counted the stock seem to me to indicate that the defalcations were not entirely a secret affair and that most people in the Division knew about it.

P.W.19 was working in the Stores and it is difficult to explain how he kept quiet when quantities much smaller than consignment were brought and put into the stores. The facilities provided by t h e

the Station Masters for booking large quantities out of such consignments then and there in t h e Railway Station and for despatching them almost by the same train by which they arrived, in spite of the fact, that Government Cement was being handled in that manner, wh show that the Railway Officials too must have been bought in. Otherwise it is impossible for such things to go on systematically for such a long time in a small station like Mandya.

Extract of the Evidence of Mr. V. T. Srinivasan, Assistant Comptroller, in Sessions Case No.1 of 35-36, Mysore, on the file of the Additional Assistant Sessions Judge, Mysore.

"I have submitted a Report in two parts to the Comptroller, about this and he has forwarded them to the Government and the Chief Engineer. I notice certain defects in procedure in the said Division both on the Executive and on the Accounts side and I embodied them in my report. One of the defects on the Executive side was that during the whole period covered by the audit there was nothing on record to show that the stock of cement had been checked by the Executive Engineer either when he placed an indent for the supply of cement or when he passed a bill for the supply of cement;

(ii). The Measurement Book that was maintained for noting for the supply of cement received was being initialled by the Executive Engineer without checking the stock received;

(iii). When indents were placed by the Executive Engineer on the basis of actual balances noted by the Store-keeper such balances were not got verified with reference to the book - balances or account balances at any time.

(iv). When bills for supply of cement were passed by the Executive Engineer he did not take the precaution of checking them with reference to the Office copies of the indents;

(v). In March 1934, one Executive Engineer was relieved by another but the stocks of cement and other articles were - not actually counted by them as required by the Code Rules;

(vi). It was noticed that a Bill for two Half Wagon loads of cement was passed by the Executive Engineer in March 1934 and an objection had been taken by the Audit Office to t h e effect that a full wagon load could have been purchased and that a Saving of Rs.135/- in freight could have been effected.

T The

The Executive Engineer, who had obtained the two half wagon loads have explained that half wagon loads were ordered because there was no sufficient accommodation in the Stores for a full wagon load. This explanation had been passed on to the Audit Office by his successor without - actually verifying the capacity of the Stores.

On the accounts side, the following were the irregularities discovered:-

1. The bills for purchase of cement were passed without checking them with the Office copy of the indent;

(ii). The Divisional Accountant, who is the Manager of the Office, did not ensure that the - Office copies of the indents passed through to the Executive Engineer;

(iii). In respect of cement purchases entered in the Measurement Book by the Store-keeper, the Manager permitted the Procedure under which the Executive Engineer got both the measurement book and the bill (passed by the Manager) simultaneously for signature;

(iv). The estimates in the Division provided mostly for the use of Surki Mortar and not cement which was actually used. The Manager (Accountant) did not raise any objection to this.

(v). One consignment of cement was got in June and paid for in July 1934; but it was not posted in the "A" Register till September 1934.

These defects and irregularities contributed to a large extent to the shortage of 1937 bags of - cement referred to above. I have passed all t h e Local and & the Government of Indian Examinations in Accountancy and Auditing required for holding the - post of an Asst. Comptroller."

--

Extract from the Judgment of the Additional Assistant Sessions Judge, Mysore, in Sessions Case No.2 of 1935-36.

"It is rather strange that Mr. N. Subba Rao, handled Exhibits P.11, 16 and 53 and the money and passed also a Memo like Exhibit 56, without even recollecting that he had not placed an order for such a large quantity of cement. This only shows the degree of confidence which accused had earned from P.W.14 by long service under him and the extents to which accused was allowed a free hand in all matters relating to Cement. It has already been pointed out that P.W.14 did not insist on Office routine before signing Exhibits P. 9, 51 and 63. I think that the fault lay in allowing accused to follow Mr. N. Subba Rao wherever he went since 1927. It is no wonder then that accused was able to put through an indent like Exhibit P.51 and to obtain large quantities of cement under it, at the cost of Government."

S c h e d u l e .

Indent No. and Date.	Quantity ordered.	Date of supply & Bill.	Quantity supplied.	Bill Amount.	How Bills sent.	Remarks.
566/30-9-33.	40 Tons	2-10-33	200 bags.	730/-.	Through Bank of Mysore.	Payment not received.
		16-10-33	200 "	730/-.	-do-	-do-
		31-10-33	200 "	730/-.	-do-	-do-
		25-11-33	200 "	730/-.	-do-	-do-
1039/11-12-33)	60 Tons 1 Wagon of 22/23 Tons And the rest 200 bags.	20-12-33	1 Wagon 22 Tons.	1,457-8-0	-do-	Payment received.
		27-1-34.	200 Bags.	730/-.	-do-	-do-
		13-2-34.	200 "	730/-	-do-	-do-
		17-3-34	200 "	730/-	-do-	payment not received.
193/25-7-34.	3 Wagons.	30-7-34.	3 Wagons, 65 Tons & 16 Cwts.	4,359-4-0.	-do-	-do-

****

Statement showing the orders received and supplies made, etc., to The Executive Engineer, Irwin Canal Division, Mandya, from 1-7-1932 to 23-9-1934.

Indents received.		Supplies made.		Bills sent.		Payments received.			
No. and Date.	Quantity Received	Date of Supply.	Actual quantity supplied	Date.	Amount.	Date.	Amount.	Agency.	Remarks.
1. 143/21-7-32.	40 bags or 2 Tons.	25-7-32.	40 bags or 2 tons.	25-7-32.	141- 0- 0.	8-8-32.	141- 0- 0.	By passed Bill on S.H. Try.	
2.1051/22-12-32	60 bags or 3 tons.	27-12-32	60 bags or 3 tons.	27-12-32	206- 0- 0	18-1-33.	206- 0- 0.	By R. T. R.	
3.1565/28-3-33.	-do-	31-3-33	-do-	31-3-33	206- 0- 0.	20-4-33.	206- 0- 0	Through Bank.	
4.1763/18-4-33.	300 bags or 15 Tons.	24-4-33	100 bags	24-4-33	344- 0- 0	5-5-33.	344- 0- 0	-do-	
		1-5-33	200 bags	1-5-33	688- 0- 0	26-5-33	688- 0- 0	-do-	
5.1945/17-5-33	300 bags in 2 lots.	29-5-33	200 bags	29-5-33	687- 8- 0	29-6-33	688- 0- 0	-do-	
		2-6-33.	100 bags	2-6-33	344- 0- 0	29-6-33	344- 0- 0	-do-	
6.2249/23/ 26-6-33.	400 bags	4-7-33	200 "	4-7-33	688- 0- 0	13-11-33	685- 0- 0 3- 0- 0	By insured & M. O.	
	in 2 lots.	11-7-33	200 "	11-7-33	688- 0- 0	11-8-33	688- 0- 0	Through Bank.	
7.850/21-7-33	400 bags in 2 lots.	26-7-33	200 bags	26-7-33	687- 8- 0	4-11-33	1,376-0- 0	Through Bank.	
		29-7-33	100 "						
		31-7-33	100 "	31-7-33	687- 8- 0				
8.566/30-9-33.	40 tons- week by week in lots of 200 bags or 10 tons.	2-10-33	200 "	2-10-33	730- 0- 0				Bills sent Thro'Bank Payments not recd.
		16-10-33	200 "	16-10-33	730- 0- 0				
		31-10-33	200 "	21/31-10-33.	730- 0- 0				
		25-11-33	200 "	25-11-33	730- 0- 0				
9.1039/11-12-	60 Tons-one	20-12-33	1 wagon	20-12-33	1457- 8- 0	31-1-34	1,457-0- 0	-do-	

	to 23 tons and the rest in - lots of 200 bags each.	27-1-34.	200 bags. 200 bags. 200 "	27-1-34. 13-2-34. 17-3-34.	730- 0- 0) 730- 0- 0) 730- 0- 0.	30-4-34.	1,460- 0- 0	-do- Payment not received. Bill sent thro' Bank.
10. 1625/2/ 3-3-34.	1 Wagon load.	31-3-34	1 wagon 22 tons.	31-3-34	998-14- 0.	3-5-34.	998-14- 0	Through Bank.
11. 2096/23/ 24-4-34.	-do-	3-5-34.	-do-	3-5-34.	1457- 8- 0.	2-6-34.	1457- 8- 0.	-do-
12. 2422/ 26-5-34.	2 Wagon loads.	4/5-6-34.	1 wagon 23 tons.	4/5- 6-34.	1523-12- 0.			
		11-6-34.	-do-	11-6-34.	1523-12- 0.	28-4-34.	3047- 8- 0.	-do-
13. 2624/16/18- 6-34.	2 Wagon loads.	25-6-34.	1 wagon 19 tons 1 wagon 22 tons	25-6-34	1857-10- 0.	6-8-34.	1857-10- 0.	-do-
14. 193/25-7-34 (Urgent).	3 Wagon loads.	30-7-34.	3 wagons 65 tons &	30-7-34.	4359- 4- 0			Payment not Received. Bills sent thro' Bank.

PETITIONERS:-

B. V. Narayanaswami & Co.,
Cement Suppliers,
42, Arcot Srinivàsachar Street,
Bangalore City.

6967/P

To

The Chief Secretary to the Government of His Highness
The Maharaja of Mysore,
Bangalore.

Law Section
MK
12.5.39
DOCR
12.5

Dear Sir,

With reference to original suit No.....of..... on the file of the District Judge, Mysore, by the firm of Messrs. B. V. Narayanaswami & Co., against the Government Mr. N. Subba Rao, and myself, I beg to state that all the defendants are now being represented by Mr. K. Rama - Swami, B.A.,B.L., the Public Prosecutor at Mysore. The case is now posted to the 23rd instant for evidence being recorded.

I desire to provide for adequate assistance to Mr. K. Ramaswamy who is now representing me also by engaging the services of Messrs. Nittoor Srinivasa Rao and K. R. Gopi - Vallabhaiengar, Advocates. I have consulted Mr. K. Ramaswamy and he has replied to me stating that he has no objection for his taking the assistance as suggested by me.

It is needless to state that my interests are fully identifical with those of Government in the case. I intend making provision for assistance to the Public Prosecutor as there is a likelihood of my not being in Station [redacted] during the period of the conduct of the case and I feel it will be helpful if I provide for proper assistance to Mr. K. Ramaswamy.

Therefore I humbly seek the permission of Government

to engage the service of Messrs. Nittoor Srinivasa Rao and K.R. Gopi Vallabhaiengar, Adovcates, for the purposes aforesaid.

I remain,

Yours obediently,

Bangalore,

12/5/1939.

C.T. Narasimha Iyengar.
12/5/39.

Retired Executive Engineer.

Address.

No. 5, Bull Temple Road,

Basavangudi,

Bangalore City.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Cancle
No. 2/Law 127-35

Bangalore, Dated, 27th May *193*9

ENDORSEMENT.

Granted to Messrs. B.V. Narayanaswamy & Co.,
Cement Suppliers,
42, Arcot Srinivasachar Street,
Bangalore City.

Through
Mr. Mahamad Sheriff,
Advocate,
Bangalore.

Subject:- O.S. No. 10/36-37 on the file of the District Judge, Mysore (B.V. Narayanaswamy & Co., Vs Government and others.)

With reference to their petition dated 5th May 1939 on the above subject, Messrs. B.V. Narayana Swamy and Co., are informed that there are no fresh grounds to reconsider the order already passed.

Sd. J. Appaji Gowda,
General Secretary to Government.

Memo. No. 6/ Dated, Bangalore 27th May 1939.

Copy of the above is forwarded to the Public Prosecutor, Mysore.

By order,
H.K. Ramakrishnaraja
General Secretary to Government.

Als.3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Camp No. P-4
Law 127-35

Dated, Bangalore, 27th May 1939.

28)

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

Mr. C.T. Narasimha Iyengar,
Retired Executive Engineer,
No.5. Bull Temple Road,
Basavangudi, Bangalore City.

Sir,

Subject:- O.S. No.10/36-37 on the file of the District Judge, Mysore (B.V. Narayanaswamy & Co., Vs Government and others.

With reference to your letter No.Nil dated 12th May 1939 on the above subject, I am directed to state that permission to engage Messrs. Nittoor Srinivasa Rao and K.R. Gopi Vallabhaiengar, Advocates, to assist the Public Prosecutor, Mysore in the above case is granted subject to the condition that these Advocates must work under the Public Prosecutor and in accordance with his directions and that they should not work contrary to the interests of Government.

It is presumed that the services of these Advocates will be engaged by you at your own expense. ~~you will meet the cost thereof and will not come up to Government later on with a request to meet the cost or any portion of it.~~

I have the honor to be,

Sir,

Your most obedient servant,

General Secretary to Government.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 127 - 35

Serial No. ——

Diary No. of letter replied to .....

Camp No. 2/— Endorsement granted

To

Messrs B. V. Narayanaswamy & Co

Cement Suppliers

42, Arcot Srinivasachar Street

Bangalore City

General and Revenue Secretariat

( )

the *193*

Date of issue 28/7/39

Signed by .....

Through

Mr. Mahamad Sheriff

Advocate

Bangalore.

Subject:— O. S. No. 10/36-37 on the file of the Dist. Judge Mysore (B. V. Narayanaswamy & Co. & Govt. & others) with reference to their petition dated 5th May 1939

List of enclosures.....

Copied by.....

Examined by.....

WD 0278—GPB—30,000—4-3-38

~~(Addressed to the Edward Road~~ ~~Police Office~~ ~~Subject~~) on the above Subject, Messrs. B.V. Narayana-Swamy and Co. are informed that there ~~are no~~ fresh grounds ~~is no~~ to Re-consider the order already passed. } for appeal of either of the alternatives

2/7/47

for Gen: Secy

Memo No. Cash/6.

Copy to the P.M., Mysore

Appendix F G—1]

SUBJECT.....

.....

.....

Section Laws

File No. 127 – 35

Serial No. —

Diary No. of letter replied to .....

Camp. No. P – 4/

To

General and Revenue Secretariat

( )

the *193*

Mr C. T. Narasimha Iyengar
Retired Executive Engineer
No 5. Bull Temple Road
Basavangudi.
Bangalore City.

Date of issue. 28/5/39

Signed by Mr D K P

Subject:- O. S. No. 10/36-37 on the file of the Dist. judge, Kolar (B. V. Narayanaswamy & Co. Vs Govt. & others)

Sir,

With reference to your letter no. nil dated 12-5-39 on the above subject, I am directed to state that permission to engage Messrs Nitaat Srinivasa

List of enclosures.....

Copied by.....

Examined by.....

and K. R. Gopi Vallabhaiengar,
Advocates, to assist the P. Pr, Mysore
in the above case
is granted subject to the
condition that these Advocates
must work under the P. Pr
and in accordance with his
directions and that they should
not work contrary to the interest
of Govt.

It is presumed that ~~you will~~ the services of these advocates will be engaged by you ~~meet the cost thereof and will~~ at your own expense.
~~not come up to Govt later on~~
~~with a request to meet the cost~~
~~or any portion of it~~

I have the
honour
to be
Sir
Your most obedient
servant
for Genl Secy

Camp
Memo No. 5 dt 28/5/39
Copy to the P. Pr, Mysore

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No. of 1955-56.

Messrs. B.V. Narayanaswami & Co.,
Cement Suppliers, 42, Arcot
Srinivasachar Street, Bangalore
City - by Proprietors.,
B.V. Narayanaswami and K.R. Srinivasan. — Plantiffs.

c/o Mr.M.Krishnamurthy,
Advocate, Cottonpet,
Bangalore City.

-VS-

1. The Government of Mysore
by the Chief Secretary,
Bangalore.
2 Mr.N.Suboa Rao, Executive
Engineer, Kolar Division,
Kolar.
3 Mr.C.T.Narasimha Iyengar
Executive Engineer, Irwin
Canal Division, Manaya. — Defendants.

Under Order VII Rule 1, of the Code of Civil Procedure.

1. For purposes of services of court notices etc., plantiffs address is given above.

2. Plantiffs are a Firm of Contractors doing business chiefly in cement.

3. The Government of Mysore Defendant No.1 abovenamed acting through the Secretary, Stores Purchase Committee, Bangalore, placed an order with plaintiffs for the supply of about 250 tons of "Char Minar" Brand Cement during 1953-54 on requisitions made by certain specified Government Officers. Amongst the Officers so specified are the Executive Engineers of all Divisions. The said Government Order bears Local Indent No.2475 dated 3rd August 1953 on the files of the Office of the Secretary Stores Purchase Committee.

4. In pursuance of the said Order, Plaintiffs supplied cement from time to time as per indents placed with plaintiffs by the - Executive Engineer Canal and Project Division, Manaya through - Railway Consignments, the relative papers and documents thereof being addressed to the said Executive Engineer.

5. According to the terms of the said Government Order Plaintiffs have to send the Bills of costs for supplies made to the indenting officers and the officers concerned are to arrange payments therefor. In the course of their dealings plaintiffs have almost invariably presented their bills of costs to for collection through the Bank of Mysore, Ltd., Bangalore.

6. Up till 30-7-34, Fourteen indents have been received by plaintiffs for supply of Cement from the Executive Engineer, Mandya and every one of the indents has been duly complied with. A full statement of account relating to the said indents, with detailed particualrs regarding each of them has been sent to Defendant No.3 abovenamed in response to his office requisition. No.721 dated 28.9.1934. In the matter of three of the said ~~14~~ 14 indents, payment due to plaintiffs in accordance with the indents and the bills of costs therefor have been sent in due course through the Bank of Mysore Ltd. Bangalore. The required particualrs relating to the said three Indents are given in schedule "A" hereunder in a classified form of for purposes of references and easy verification. The present suit claim ~~realies~~ relates to the said three indents.

7. The balances of amounts due on the bills relating to the said three indents is Rupees 8009-4-0 only exclusive of intrest. Defendant No.1 is liable to plaintiffs for the said amount. In reply to plaintiff's letter addressed to the Secretary, Stores Purchase Committee regarding the non-receipt of the amounts due on the said three indents, the Committee have expressed their inability to interfere in the matter on the allegation that the Executive Engineer says that the goods were not indented for or redeived by him. The Executive Engineer's said allegation being demonstrably untrue and inaccurate as per the written indents under the very signature of defendants Nos. 2 and 3 the successive Executive Engineers. Mandya plaintiffs have been obliged to to make defendants Nos. 2 and 3 also parties to the present proceedings.

8. Of the said three Indents, Indents Nos. 566/30-9-33 and 1039/11-11-33 have been placed with plaintiffs by defendant No.2 and Indnet No.193/25-7-34 by defendant No.3.

(1) Indent No.566 is for 40 tons of cement. According to the indent, plaintiffs have supplied all the 40 tons in lots of 200 bags. Plaintiffs have presented 4 bills of Rupees 730/- each through the Bank of Mysore Ltd:, for the 40 tons supplied. The amount of Rs.2920/- due on these four bills has not yet been paid, though the bills are were sent during October and November 1933.

(ii) Indent No.1039 was for 60 tons by defendant No.2. 52 tons have been supplied by plaintiffs as directed by the indent. 4 bills were sent for the moneys due thereon. Three of them have been honoured by defendants Nos.1 and 2 by payments through Bank. One Bill for Rs.750 has not yet been honoured, though the bill was sent on 17-3-1934.

(iii) Indent No.193 was for three waggons of cement by defendant No.3. All the waggons of cement have been supplied as requisitioned. A sum of Rs.4559-4-0 only is due for the supplies made. The bill therefor was presented on 30-7-1934. The amount has not been paid.

There is thus a sum of Rupees 3650/- due to plaintiffs on the two indents placed by defendants Nos.2 and a sum of Rs.4359-4-0 on the one Indent placed by defendant No.3 the total sum due being Rs.8009-4-0 exclusive of interest.

9. Plaintiffs state that moneys justly due to plaintiffs for goods actually supplied to defendants as set out above have been withheld on untenable grounds. Defendants are liable to pay interest on the unpaid amounts at one per cent per mensem according to the trade usage. The Interest that becomes due is Rs.1530/- in round figures untill date of suit as per statement of account given hereunder in Schedule "B". The suit amount not having been paid, inspit of plaintiffs earnest attempts to avoid unpleasantness in the matter they are obliged to seek the help of law against defendants.

10. Plaintiffs have notified to defendants of the suit claim as required under section 80 of Civil Procedure Code. All the requirements of law have been complied with, in the matter of two months' notice to defendants. To plaintiffs' notice dated 10th May 1935 through their Lawyers, defendant No.1 sent a reply on 5-8.1935 stating that the matter was receiving attention and the decision of Government would be communicated in due course. More than 2 months thereafter, defendant No.1 was pleased to send another reply on 24-10-1935 revoltingly contrary to the actual facts, while defendants Nos.2 and 3 have not till now sent any reply at all. The supplies having been made in response to written orders of defendants Nos2 and 3 plaintiffs are entitiled to look to the said defendants No.2 and 3 individually for the payment of moneys due on their respective orders.

11. The cause of action for the suit amount arose from and subsequent to the several dates of supplies noted in Schedule "A"

hereunder made by plaintiffs to defendants in pursuance of 1st defendant's order and in accordance with the Indent orders of defendants Nos2 and 3 at Bangalore City within the jurisdiction of this Hon'ble Court.

12. For purposes of jurisdiction and court fee the suit is valued at Rs.9340/- only and a court fee of Rs.575-0-0 is paid thereon.

13. Prayer for Judgement:-

Plaintiffs pray for a decree in their favour against defendants in a total sum of nearly Rs.9340/- only with all court costs, current interest and such other reliefs as plaintiffs may be entitled to, in Law and Equity, on facts found in the case.

Plaintiffs beg leave to reserve their right for the recovery of damages from defendant No.3 abovesaid in seperate court proceedings, on account of 3rd defendant's wrongful conduct in having given untrue and misleading information to the Bank of Mysore Ltd. touching the cement supplied and thereby causing loss of business reputation, moneys etc., to plaintiffs.

Almost all the orginal documents relating to the suit claim have been taken away by the Police authorities for purpose of prosecuting a criminal charge against some officials of the Irwin Canal Division Engineering Department, Mandya, and the said documents will be caused to be produced in the course of the present proceedings.

Bangalore.
Dated 13-12-1935. } Plaintiffs.

Advocate for Plaintiffs.

Verification.

We, B.V.Narayanaswami and K.R.Srinivasan of Plaintiffs Company do hereby declare that what is sated above in paras 1 to 13 is true to the best of our knowledge and belief.

Bangalore
Dated 13-12-1935. Plaintiff.

Schedule A.

Indent No. and date.	Quantity ordered.	Date of supply & bill..	Quantity supplied.	Bill amount.	How Bills sent.	Remarks.
566/30-9-1933.	40 tons.	2-10-33	200 bags	730/-	Through Bank of Mysore.	Payment not received.
		16-10-33	200 bags	730/-	-do-	-do-
		31-10-33	200 bags	730/-	-do-	-do-
		25-11-33	200 bags.	730/-	-do-	-do-
1039 11-12-33.	60 tons(1 waggon) or 22/25 tons(and the est 200 bags.	20-12-33	1 waggon 22 tons.	1457/8/-	-do-	Payment received.
		27-1-34	200 bags	730/-	-do-	-do-
		13-2-34	200 bags	730/-	-do-	-do-
		17-3-34	200 bags	730/-	-do-	Payment not received.
196 26-7-34	Three waggons	30-7-34	3 waggons 65 tons & 16 Cwts.	4359-4-0	-do-	-do-

Schedule B.

Date of Bill.	Bill amount.	Interest at 12 % per annum after one month from the date of bills.	Interest amount.	Total amount.
2-10-33	730/-	2-11-33 to 30-11-35	182-8-0	
16-10-33	730/-	16-11-33 to -do-	178-8-0	
31-10-33	730/-	31-11-33 to -do-	175-8-0	
25-11-33	730/-	25-12-33 to -do-	168-8-0	
17-3-34	730/-	17-4-34 to -do-	142-0-0	
30-7-34	4359-4-0	30-8-34 to -do-	654-0-0.	
			1501-8-0.	
		Less intrest received.	176-0-0	
	8009-4-0		1325-8-0.	9334-12-0

Copy.

BKRamakrishnaiya

for General Secretary to Government.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.

Original Suit No.11/35-36.

Messrs.B.V.Narayanaswami & Co., Cement suppliers, 42 Arcot Srinivasachar Street, Bangalore City by Proprietors:- B.V. Narayanaswami and K.R. Srinivasan. — Plaintiffs.

- VS -

1. The Chief Secretary to the Government of Mysore, Bangalore.

2. Mr. N. Subba Rao, Executive Engineer, Irwin Canal Division, Mandya.

3. Mr. C.T. Narasimha Iyengar, Executive Engineer, Irwin Canal Division, Mandya. — Defendants.

The First defendant above named files the following written statement:-

1. This defendant does not admit the correctness of of the allegation stated in para 3 of the plaint. The "order of Government" dated 3-8-1933 referred to in the said paragraph is really a letter written by the Secretary of the Stores Purchase Committee and it refers to a formal agreement being drawn up between parties which as a matter of fact was drawn up and entered into between parties on 5-10-33. The defendant submits that the rights of the parties must perforce be governed by the contract of 5-10-1933 and that no suit can be maintained on the letter or order dated 3-8-1933.

2. The plaintiff must if he so chooses elect to base his suit if at all on the contract. The suit as brought on the letter or order of 3-8-33 ought to be dismissed in limne because that did not conclude any

contract between the parties. The contract of 5-10-33 entered into between the plaintiff and the then Secretary, Stores purchase Committee, is annexed herewith and the defendant prays that it may be read as part and parcel of these pleadings.

3. This defendant submits that the plaintffs having entered into a contract with the then Secretary of the Stores Purchase Committee, their suit if any must be framed in such a way as to include the signatory to the contract and not in the present form in which it has been framed. The suit as framed is not maintainable in law.

4. This defendant does not wholly admit the correctness of the allegations in para 5 of the plaint. The plaintiffs must sue for the moneys alleged to be due either from the parties who are responsible under the terms of the contract annexed herewith or from the parties who have had the use and benefit of the goods supplied. These latter wno are known to the plaintiffs are necessary and proper parties to the suit.

5. This defendant submits that unless and untill he has demanded payment under the contract, no cause of action has accrued to him and no suit is maintainaole. This defendant submits that the letter of 3-8-1933 mentioned in the plaint gives no cause of action to the plaintiff against this defendent and that the suit has to be dismissed.

6. The indents referred to in para 6 of the plaint are all not indents placed under the contract nor were the supplies made in ~~purchase~~ pursuance of the contract. The defendant submits that the reference to the 14 iddents are

are irrelevent to the matter in question as the period of the contract was only from 3-8-33 and any indents or supplies made must be within the period prescribed in the contract.

7. This defendant without waiving any of the pleas referred to above pleads on the merits as hereunder set forth.

8. The defendant denies that the indents referred to in para 6 or any of them were placed by the officers of Government or that the supplies have been made in accordance therewith to them or that any bills were sent to them as stated in the plaint. The indents referred to were not the indents of the Executive Engineer, Mandya. This defendant further avers that the officers referred to a neither placed the indents in question nor received the supplies as alleged. The plaintiffs could with ordinary and reasonable care and diligence have discovered that actually orders were not the orders of the persons who purported to place them. The supplies were not to the knowledge of the plaintiffs received by the officers in question. Assuming but not conceding that the indents are to be treated as genuine, the supplies were not made in accordance with the terms of the indents themselves.

9. This defendant states that the orders or indenture in question were forged ones and that no payment is due thereunder and that no claim is maintainable thereon.

10. This defendant in the alternative pleads that it has reason to suspect that the plaintiffs were aware of the fact of the indents being forgeries and that no supplies were actually received by the officers in question. Under the circumstances the plaintiffs are estopped from setting

forth any claim based on the indents referred to. There is reason to believe that the plaintiffs have acted in collusion with certain persons known and unknown in order to receive certain moneys from this defendant.

11. This defendant or its agent never received the supplies referred to in the indents mentioned in Schedule 'A' to the plaint for which ~~payment~~ payment is claimed and therefore are not liable to the amounts claimed or any portion thereof. The claim if any at all ought to be against the persons who actually received the supplies of cement.

12. The plaintiffs were all along aware of these facts and at any rate on the date of the suit must be imputed with knowledge of the person or persons who took delivary of the cement in question and those persons were neither agents of their defendants nor were they authorised to receive supplies on behalf of this defendant.

13. This defendant not having placed the orders or indents in question and not having received the supplies or any portion thereon as alleged is not liable to pay any amount ~~amount~~ to the plaintiffs.

14. This defendant denies the facts in para 7 of the plaint and particularly the allegations that the Engineer's statements are untrue. This defendant submits that the statement and allegations of fact made by the Executive Engineer of Mandya as stated in the said para are true. Defendant 2 and 3 are not necessary parties and no cause of action is either alleged or accrue against them.

15. This defendant does not admit the facts set forth in para 8 of the plaint and denies that neither

defendant No.2 nor defendant No.3 placed the indents in question.

16. Defendants Nos. 2 & 3 having been sued in their individual and private capacity and the allegations being that they in that capacity are responsible for placing the indenture in question, this defendant submits that the said facts and allegations cannot impose any liability on the Government of Mysore as such.

17. Assuming but not conceding that the indents were placed by the defendants 2 and 3, and assuming that they acted as agents of Government, the defendant states that no supplies were made to them or their authorised agents as alleged or otherwise.

18. If any unauthorised payments have been received by the plaintiffs from the 1st defendant or its agents for any supplies alleged to be made or purporting to be made under any of the indents in question and if the 1st defendant or its agents have either under a mistake of fact or by the fraud of others paid any sums, the 1st defendant will file a seperate suit for the recovery thereof and craves leave of the court to reserve their rights to pursue its remedies by way of a separate suit.

19. The defendant denies categorically the statement that any orders were placed or that any supplies were made or that any money is due as alleged in para 8 (i), (ii) & (iii). No sum as claimed for therein is due.

20. The allegations in para 9 of the plaint are

not tenaole or correct. This defendant is not liaole to pay any interest at all. The defendant also denies the existence of any trade usage as such and repudiates its liability to pay the amounts claimed in schedule 'B' of the plaint. The defendant also denies that either the Government or its accredited agents paid any interest as alleged and particularly the sum of Rs.176/- mentioned in Schedule 'B'.

21. No proper ntoice as required by Section 80 has been issued oy the plaintiffs.

22. No cause of action has secrued as alleged or otherwise.

23. This defendant is informed that as a result of a series of frauds certain persons placed bogus indents and received certain supplies from the plaintiffs and that the plaintffs were aware of the fraud and all the particulars thereof and that this defendant is not liable for the amounts claimed or any portion thereof.

24. The plaintiffs are not entitled to the reliefs claimed or any of them.

25. The plaintiffs have to state whether they base their suit for supplies of goods made or for bills dishonoured. The plaint is vague in this respect. The original bills have to be filed by the plaintiffs or caused to be produced.

26. This defendant prays that the suit may be dismissed with costs.

1st Defendant,
Chief Secretary to Government.

Advocate for 1st defendant.

I, the first defendant above named, do hereby declare that what is stated above is true to the best of my knowledge, information and belief.

Bangalore

1st defendant,
Chief Secretary to Government.

KRR.

"Copy"

BKRamakrishnaiya.
For General Secretary to Govt.

IN THE COURT OF THE DISTRICT JUDGE, BANGALORE.
O.S.11/35-36.

Messrs. B.V.Narayanaswamy & Co., — Plaintiffs.

-vs-

The Government of Mysore and two others. — Defendants.

Draft Issues.

1. Is the suit as framed maintainable in Law against the 1st defendant or against the other defendants?

2. Is the suit one for supply of goods, if so who received the goods and to whom were supplies made?

3. Was the cement supplied to any of the defendants or all of them?

4. Has any cause of action arisen to the plaintiffs by reason of the allegations in the written statements against any of the defendants and if so against whom?

5. Are the indents referred to in the 6th para of the plaint indents under the plaint contract and were supplies made thereunder?

6. Were the indents in question by the "Executive Engineer, Mandya" and were supplies made to him as such in accordance with the contract?

7. Were the indents forged indents? If so is any payment due in respect of them?

8. If the indents were forgeries were the plaintiffs or any of them aware of the forgeries and are they estopped from claiming under them?

9. Had defendants 2 and 3 anything to do with the plaint agreement or did they receive any supplies?

10. Are defendants 2 & 3 necessary or proper parties?

11. Is the contract vitiated by fraud as alleged?

12. Are the plaintiffs entitled to any interest?

13. Is the plaintiff entitled to any amount and if so what sum and from whom?

14. To what relief, if any is the plaintiff entitled?

"Copy"

M.R. Ramakrishnaiya

for General Secretary to Govt

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

Original Suit No: 10 of 36-37.

PLAINTIFF:-- B.V.NARAYANASWAMY & Co.,

----------VS----------

DEFENDANTS:-- THE GOVERNMENT OF MYSORE & Others

Memo on behalf of Plaintiff.

As per orders of the court the plaintiff has herewith submitted list of documents that have to be summoned in the case. The consist of

1. Documents seized by the police from the plaintiff.

2. Railway Receipt sent by the plaintiff to the Executive Engineer at the time the consignments of cement were despatched.

and 3. The Bills sent to the Executive Engineer by the Bank of Mysore and the correspondence between them in respect of the same.

The plaintiff prays that the documents may be summoned by the court.

The plaintiff also prays for permission to file another list if any more documents are needed.

B.V.N.
23/8/37

IN THE COURT OF DISTRICT JUDGE, MYSORE.

Original suit No. 10 of 36-37.

PLAINTIFF:-- B. V. NARAYANASWAMY & Co.,

----------Vs----------

DEFENDANTS:- THE GOVERNMENT OF MYSORE & OTHERS.

Memo behalf of Plaintiff.

As per orders of the court the Plaintiff has herewith submitted list of documents that have to be summoned in the case. The consist of

1. Documents seized by the police from the Plaintiff.

2. Railway receipt sent by the Plaintiff to the Executive Engineer at the time the consignments of cement were despatched.

and 3. The Bills sent to the Executive Engineer by the Bank of Mysore and the correspondence between them in respect of the same.

The Plaintiff prays that the documents may be summoned by the court.

The plaintiff also prays for permission to file another list if any more documents are needed.

****

V (c) Copy of the bill dated 31-3-34 of the firm for the above supply sent through bank.

(ii) Copy of the letter of the firm dated 3-4-34, to the bank of Mysore Ltd., referred to in (c) (i)

VI (a) Letter No. 2096 dated 23rd April 1934 from the Executive Engineer ordering for one wagon cement. (in original)

(b) Copy of the letter dated 26-4-34 of the firm acknowledging the receipt of (a)

(c) Copy of the Registered insured letter dated 3-5-34 of the firm enclosing R/R and an amount of Rs 458/10/0

(d) Acknowledgement postal receipt for the Insured ~~xxxxx~~ letter of (c)

(e) Executive Engineer's receipt No. 98 dated 5-5-34 for receiving the insured amount of Rs 458-10-0 referred to in (c)

(f) (i) Copy of bill of the firm dated 3/5/34 to the Executive Engineer for the supply of the above indent sent through Bank.

(ii) Copy of letter of the firm to the bank referred in (f) (i) dated 3-5-34

VII (a) Letter No. 2422 dated 26-5-34 from the Executive Engineer, for the supply of 2 wagons of cement in original)

(b) Copy of the letter of the firm dated 29-5-34 acknowledging the order in (a)

(c) Copy of the letter of the firm dated 4-6-34 enclosing R/R

(d) Copy of the Registered Insured letter dated 5-6-34 enclosing Railway freight amount Rs 481-6-0

(e) Postal acknowledgement receipt for (d)

(f) Executive Engineer's receipt No. 12 dated 6-6-34 for Rs 481-6-0 of (d).

(g) Copy of the Registered Insured letter dated 11-6-34 of the firm enclosing R/R and amount for Railway freight Rs 481-6-0

(h) Postal acknowledgement receipts for(g)

(i) Executive Engineer's receipt No. 17 dated 12-6-34 for Rs 481-6-0 og (g).

VII (j) Copy of the bill of the firm for Rs 1523-12-0 sent through bank dated 4/5-6-34.

(k) Copy of the bill ~~of~~ the firm sent through bank for Rs 1523-12-0 dated 11-6-34.

VIII (a) (i) Copy of the letter of the Executive Engineer to the Bank of Mysore No. 2623 dated 16/18-6-34 acknowledging the receipt of the bill.

VIII (ii) Letter from the Executive Engineer No. 2624 dated 16/18-6-34 ordering for 2 wagons of cement. (In original)

(b) Copy of the letter of the firm dated 26-6-34 acknowledging the receipt of the above ordered VIII (a) (ii)

(c) Copy of the registered letter of the firm enclosing R/R dated 28th June 34

(d) (i) Copy of the bill of the firm for Rs 1857-10-0 dated 25-6-34 sent through bank of Mysore Ltd.,

(ii) Copy of the letter of the firm to the bank, dated 26-6-34 referred to in (d) (i)

IX (a) (i) Copy of letter from the Executive Engineer No. [illegible] dated 24-7-34 to the Bank Re: passing of bills.

(ii) Memo No. 193 dated 25-7-34 from the Executive Engineer ordering for 3 wagons of cement. (In original)

(b) Copy of the letter of the firm dated 26-7-34 acknowledging order referred in (a) (ii)

(c) Copy of the registered insured letter dated 30-7-34 of the firm enclosing R/R and the Railway freight amount Rs 1377-11-0 Postal receipt No. 172 for tendering the insurance.

(d) Copy of the bill of the firm dated 30-7-34 for Rs 4359-4-0 sent through bank.

(e) Postal acknowledgement receipt for the letter referred in IX (c)

(f) (i) Letter from the Executive Engineer No. 286 dated 1/3-8-34 acknowledging the letter referred in (c) (in original)

(ii) Taree Railway General receipts No. 77,78,81.

(g) (i) Copy of the bank's letter to the firm No. B. 43/14944 dated 24-9-34 addressed to the Executive Engineer

(ii) Letter from the Bank to the firm Nos D. 43/14945 (In original)

(h) (i) Letter No. 698 dated 25-9-34 from the Executive Engineer to the firm intimating the non receipt of the bill for Rs 4359-4-0 and the supply of cement (In original)

(ii) Copy of letter of the bank of Mysore to the Executive Engineer, reminding payment.

(i) Copy of the letter of the firm dated 27-9-34 to the Executive Engineer replying, letter referred in (h) (i)

IX (j) Letter No. L.43/15418 D/27-9-34 from the bank to the firm, referring Executive Engineer's letter to the bank (in original)

(k) Copy of the letter of the firm to the bank enclosing copy of letter addressed to the Executive Engineer

X Copy of the letter of the firm dated 30-11-33 reminding payment of bills.

XI Copy of the letter of the firm dated 1-2-34 reminding payment of bills.

XII (i) Copy of the letter of the firm d dated 24-3-34 reminding payment of bills with interest.

(ii) Copy of the bill of the firm for Interest dated 24-3-34.

XIII Copy of the letter of the firm dated 19-6-34 reminding payment of bills.

XIV Copy of the receipt No. 958 dated 31/3/34 of the firm to the Executive Engineer for Rs 176/-

XV (a) Original letter No. 1051 dated 22-12-32 from The Executive Engineer, Mandya to the firm ordering for 60 bags of cement.

(b) Copy of the bill of the firm D/27-12-32 for Rs 206/- only enclosing Ry. General receipt.

(c) Original letter No. 1128/10-1333 from the Executive Engineer, Mandya to the firm intimating the passing of the bill.

(d) Copy of the letter of the firm Dated 11-1-33 enclosing a stamped receipt

XVI (a) Original letter No. 1565/28-3-33 from the Executive Engineer to the firm ordering 60 bags of cement.

(b) (i) Copy of the bill of the firm dated 31-3-33 for Rs 206/- sent through bank of Mysore Ltd.

(ii) Copy of the letter of the firm to the Bank D/31-3-33 referred b. (i)

(c) Original letter No. 1695/10-4-33 D/7-4-33 from the Executive Engineer Mandya, to the firm, intimating passing of the bill.

XVII (a) Original letter No. 1763/18-4-33 from the Executive Engineer, Mandya to the firm ordering for 300 bags of cement.

(b) Copy of the letter of the firm tothe Executive Engineer, Mandya, D/24-4-33 enclosing Railway receipt.

XVII (c) Copy of the bill of the firm D/24-4-33 for Rs 344/- sent through bank.

(d) Copy of the bill of the firm dated 1-5-33, for Rs 688/- sent through bank.

(e) Copy of the letter of the firm to the Executive Engineer, Mandya, D/4-5-33 enclosing Ry.Cl. receipt.No.45/1-5-33.

XVIII (a) Original letter No. 1945 D/17-5-33 from the Executive Engineer, Mandya to the firm intimating the passing of the bill and ordering for 500 bags of cement.

(b) Copy of the bill of the firm to the Executive Engineer, Mandya, D/29-5-33 for Rs 688/-

(c) Copy of the bill of the firm to the Executive Engineer, dated 2-6-33 for Rs 344/- enclosing Ry.Cl.receipt.No.40/2-6-33

XIX (a) Original letter No. 2249/26-6-33/23/26-6-33 from the Executive Engineer, to the firm intimating passing of the bill and ordering for 400 bags of cement.

(b) Copy of the letter of the firm, D/28-6-33, acknowledging letter referred in (a) D/28-6-33

(c) Copy of the bill of the firm, D/4-7-33, for Rs 688/-

(d) Copy of the bill of the firm D/11-7-33 for Rs 687-8-0 sent through bank.

(e) Original letter No. 206/2-8-33 from the Executive Engineer to the firm intimating passing of the bill.

XX (a) Original letter No. 250/21-7-33 from the Executive Engineer to the firm ordering for 400, bags of cement and reminding for Ry.Cl. receipt.

(b) 1. Copy of the bill of the firm D/26-7-33 to the Executive Engineer, for Rs 687-8-0 sent through the bank of Mysore.

2. Copy of the letter of the firm to the bank dated 27-7-33 referred in B. 1.

(c) 1. Copy of the bill of the firm dated 31-7-33 to the Executive Engineer for Rs 687-8-0 sent through Bank of Mysore.

2. Copy of the letter of the firm to the Bank dated 31-7-33 referred in (c)1.

LIST OF RAILWAY RECEIPTS REQUIRED FOR THE DESPATCH OF CEMENT CONSIGNMENTS.

****

	Dated of Depatch.		Quantity Despatched.
1.	25-7-32	.....	40 Bags.
2.	27-12-32	.....	60 ,,
3.	31-3-33	....	60 ,,
4.	24-4-33	.. . .	100 ,,
5.	1-5-33	.....	200,,
6.	29-5-33	.. .	200 ,,
7.	2-6-33	...	100 ,,
8.	4-7-33	...	200,,
9.	11-7-33	...	200 ,,
10.	26-7-33	...	200 ,,
11.	29-7-33	...	100 ,,
12.	31-7-33	...	100 ,,
13.	2-10-33	...	200 ,,
14.	16-10-33	...	200 ,,
15.	31-10-33	...	200 ,,
16.	25-11-33	...	200 ,,
17.	16-12-33	...	440 ,, (1 Wagon)
18.	27-1-34	..	200 ,,
19.	13-2-34	...	200 ,,
20	17-3-34	...	200 ,,
21.	27-3-34.	....	440 ,, (1 Wagon)
22.	30-4-34	...	440 ,, ,,

23	23.	31-5-34	...	460 Bags.	(1 Wagon)
24	24.	8-6-34	...	460 ,, .	,,
25	25.	21-6-34	...	380 ,, .	,,
26	26.	21-6-24	...	440 ,, .	,,
27	27.	27-7-34	...	436 ,,	,,
28	28.	27-7-34.....	...	440 ,, .	,,
29	29.	27-7-34	...	440 ,, .	,,

LIST OF DOCUMENTS SENT BY THE BANK OF MYSORE Ltd., TO THE EXECUTIVE ENGINEER, IRWIN CANAL DIVISION, MANDYA.

1. Bills in Original.

Date	Rs. As. Ps.
2-10-33	730-0-0
16-10-33	730 - 0 - 0
21/31-10-33	730 - 0 - 0
25-11-33	730 - 0 Rs 0
17-3-1934	730 - 0 - 0
30 - 7 - 34	4,359 - 0 - 0

2. Covering letter sent by the Bank of Mysore along with the above said bills.

3. Reminders issued by the Bank of Mysore demmanding payment of the amounts andall other correspondence between the Bank and the Executive Engineer, Irwin Canal Division, Mandya, in respect of the said bills.

In The Court of The District Judge
Mysore

Original Suit No 10 of 36-37

B.V. Narayanaswami & Co Plaintiff

VS

Chief Secretary to Government & two Ors
Defendants.

Statement of Reply filed on behalf of defendants to the Plaintiff's application dated 12-11-37.

1. It is true that the defendants have produced into Court some of the documents mentioned by the plaintiff in his list. They were the documents that had been seized by the Police but returned to defendants 2 & 3. The other documents mentioned in the list were seized by the Police and produced before the Special I. class Magistrate, Mandya Assistant Sessions Judge, Mysore, Additional Assistant Sessions Judge Mysore and finally before the Special First class magistrate Mysore and the City Magistrate, Mysore. As the latter documents are not in the custody of defendants 2 & 3 it is the duty of the plaintiff to get them produced for inspection and admission or denial

greater ~~of~~ difficulty defendants 2 + 3
were able to trace the documents in
several files and admit or deny them
Some of the documents have ~~have~~ been
partly admitted as it is not known as
which particular portion of the relative
documents the plaintiff wants the
admitted or denied

2 It is not right to say that
defendants 2 and 3 have made evasive
denials or admissions

3. As the plaintiff seems to insist
upon more accurate statements of
admission or denial of documents or
parts of documents he may be asked
to trace the custody of the documents
and cause them be produced before
this court for inspection of defendants
2 + 3

Mysore
15/11/37

Copy

In the Court of the [illegible]

O.S. [illegible]

Suit - [illegible]

Dated 15.11.37

Defts. - [illegible]

The Pltff. [illegible]

I. That the pltff. had [illegible] an agreement whereby the defts. to admit in evidence the documents a list of which he has filed in Court

II. That the defts. undertook to admit in evidence the documents and not produce the said documents also in Court

III. That the defts. have filed a list of documents in Court bearing even date with the list filed by the pltff. and nothing "admitted" "not admitted" and "partly admitted".

IV. That they have also filed certain documents in Court and that the rest of the documents are before the Court mentioned in connection with certain cases. In the list filed by the defendants it is stated that some of them are with the police

V. That the admissions made by the defendants is erroneous and not according to law and therefore they may be directed to state specifically which portions of the documents they admit and which they deny

VI. That most of the documents which the plaintiff wants have been seized from them by the police and the rest of them are documents which were with the defendants. The Bank of [illegible] and the Railway authorities at [illegible] Railway Station

VII. That the said documents have been got exhibited by the police in the matter [illegible] and that the plaintiff is entitled to admission when they are [illegible]

VIII. That it is necessary [illegible]

[illegible] issues and the documents are before the Court admitting admissions are made by the defendants

1. Therefore the [illegible] hearing should

(a) that the defts may be directed to [illegible] produce all the documents specified in the list furnished by the plaintiffs to counsel

(b) that the defts may be asked to state specifically which paragraphs of the documents they admit and which they deny

and (c) then the suit may be proceeded with

Cross

J. H.

4009/1936

No. 899

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS.~~
Dated 16th January *193* 6.

FROM

The Public Prosecutor
Mysore *Division,*
Mysore

To
GENERAL SECRETARIAT
13 JAN. 1937
The General Secretary to
the Govt: of Mysore,
Bangalore

SIR,

Subject: C.S. 10/36-37 of Dist: court- Mysore.
(B.V. Narayana Swamy -vs- Chief Secretary of Govt)

I have the honor to state that the above case has been adjourned
20th January 1937 for service of notice
to the plaintiff's advocate

Filed for perusal
15-1-37

I have the honor to be,
Sir,
Your most obedient servant,
(G. Ramachandra)
Public Prosecutor.

37

02100—900—27.2.36

Sec
18-1-37

F

S 887/35

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

No. 979
Enc. 35-36

Dated 19th March 1936.

J

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

GENERAL DEPARTMENT
23 MAR. 1936

To The Secretary to the Government of Mysore Bangalore

SIR,

Subject: — O.S. No. 11/35-36 on the file of the District Judge, Bangalore. (B.V. Narayanaswamy Pltf. vs- Govt)

I have the honor to state that the above case has been adjourned to the 20th May 1936 as the Court was engaged in Sessions at Tumkur

I have the honor to be,
Sir,
Your most obedient servant,

S Doraswamy
Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

T.A Bill
amount cost)

898/936

F

No. 242/36-37.

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 7-8-1936.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

GENERAL BRANCH
8 AUG. 1936

To

The General Secretary to the
Government of Mysore. Bangalore

SIR,

Subject:— O.S. no. 11/35-36 on the file of the District Judge Bangalore
(Messrs: B.V. Narayanaswamy & Co — — Government)

I have the honor to state that the above case has been adjourned to the 17th instant for filing Reply of the ~~as the~~ plaintiff to the written statement filed by the defendant

I have the honor to be,
Sir,
Your most obedient servant,

S.C. Doraiswamy

Public Prosecutor.

For perusal.

17-8-36

WD 0205—GPB—1,000—17-8-33

F

1182/36.

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

Dated 19—8—1936.

No. 338/36-37

Enc. one

FROM

The Public Prosecutor,
Bangalore Division,

To

The General Secretary to Govt of Mysore,
Bangalore.

21 AUG. 1936

SIR,

Subject :— Re: CS. 11/35-36 on the file of the District Judge, Bangalore
Messrs. B. V. Narayanaswamy & Co v. Govt of Mysore.

I have the honor to state that the above case has been adjourned to to 5—10—1936 for filing documents ~~the~~ Issues have been framed and a copy of the same is submitted herewith for information of Government.

I have the honor to be,
Sir,
Your most obedient servant,

B. Narayanaswamy Jr
Public Prosecutor.

Submitted for perusal.

D.0205—GPB—1,000—17-8-33

24/8/49

24-8-36

F

121-936

OFFICE OF THE PUBLIC PROSECUTOR,

No. 3 Bangalore DIVISION,

Enc. 36-37. one written statement DISTRICT OFFICE BUILDINGS.

Dated 2-7- 1936.

ROM

The Public Prosecutor,

Bangalore *Division,*

Bangalore

To

The General Secretary to the Government of Mysore Bangalore

GENERAL SECRETARIAT
- 4 JULY 1936

SIR,

Subject:— O.S.No. 11/35-36 on the file of the District Judge, Bangalore (Messrs. B.V. Narayanaswami vs- Government)

I have the honor to state that the above case has been adjourned to the 5th August 1936 for framing ~~as the~~ issues. Written statements have been filed in court. A copy of the written statement of the 1st defendant is enclosed herewith for information of Government I have the honor to be,

Sir,

Your most obedient servant,

Sub? for pend

Public Prosecutor.

WD 0205—GPB—1,000—17-8-33

Subsequent proceedings

4200/36

WO 0186–GPB—60,000—26-9-36

193

From The Public Prosecutor
Singapore Division
Singapore

To

The General Secretary
to the Govt. of Singapore
Bangalore.

Dated

Despatched 20/1/37.

Received

General No. 924
~~No.~~

Enclosure No.

GENERAL SECRETARY.
22 JAN. 1937
BXR

10/36-37 on the
file Civil Court Singapore
Narayana Swamy
vs.
Asst Secretary & others

Sir,

I have honour to state that the aforesaid Motor case has been adjourned to

to 22-1-1957 for evidence

I have the honour to be,
Sir,
your most obedient servant.

(C Ramaswamy)
Public Prosecutor
Anyone division

871

C.

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS.~~

Dated 4th January *1937.*

The Public Prosecutor,
Mysore *Division,*
Mysore

To
GENERAL SECTT. 5 JAN. 1937
The General Secretary to
Govt. of Mysore
Bangalore.
Pvs
BHR 6.1.37

Subject: O.S. 10/36-37 of Dist. court, Mysore
V. Narayana Swamy & Co, Vs Chief Secretary & others)

I have the honor to state that the above case has been adjourned 11th January 1937 to await the as
plaintiff's notice.

Pg
Noted
Subd for perusal.

I have the honor to be,
Sir,
Your most obedient servant,

Public Prosecutor.

D 02100—900—27.2.36

5543 p236

From,

The Public Prosecutor
Mysore Division
Mysore

To

The General Secretary to
the Govt. of Mysore.
Bangalore.

GENER
23 MAR 1937

No- ~~7212~~ 22-3-37.

Subject:- O.S. 10/36-37 of Dist. court Mysore
(B.V. Narayana Swamy Vs Chief Secretary to Govt)

Sir,

I have the honour to state that the above case had been adjourned to 31-5-1937 to await records from the Special I class magistrate's court, Mysore

I have the honour to be,
Sir
your most obedient servant,

Public Prosecutor
Mysore Division

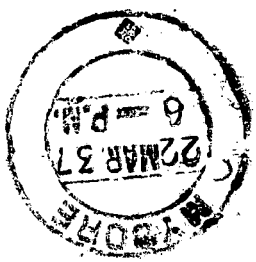
No. 1212

On Mysore Government Service.

To,

The General Secretary,
the Govt. of ~~Mysore~~
(Law Section)
Bangalore

P. N. Basavaraj
Clerk of
Public Prosecutor
Mysore.



No. 1431

MEMORANDUM

No 6826/636 P

To

31/5/1937.

The Public Prosecutor
Mysore.

The General Secretary to the
Govt. of Mysore, Bangalore

Subject :- O.S. 10/36-37 on the file of of the District Judge Mysore
(B. V. Narayanaswamy Vs, His Chief Secretary & 2 others)

GENERAL SECRETARY.
3rd JUNE 1937

I have the honour to state that the above case had been adjourned to 28-6-37 on account of Mysore Sessions (Church Rioting case)

I have the honour to be,
Sir,
your most obedient servant,

Public Prosecutor
Mysore Division

Leg
Noted
& for perusal.
3-6

Sec C
3-6-37

[Please reply overleaf.

23 JULY 1937 No. 96

J 55 1937

Office of the Public Prosecutor
Mysore Division
Dated, Mysore, 19th July 1937

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
(Law Section) Bangalore.

Subject:- O.S. No. 10 of 1936-37 on the file of the District Judge's court, Mysore. (B.V.Narayanaswamy & Co., Vs Chief Secretary & others)

Sir,

I have the honour to state that the above ~~xx~~ case has been adjourned to 26th July 1937 to await - records.

for perusal.

I have the honour to be
Sir,
Your most obedient servant

Public Prosecutor,
Mysore Division.

1676/37
P 837

No. 124/37-38

Office of the Public Prosecutor
Mysore Division,
Dated, Mysore, 26th July 1937
27

From

The Public Prosecutor,
Mysore Division,
Mysore.

GENERAL SECRETARY
29 JULY 1937

To The General Secretary to the Government of
His Highness the Maharaja of Mysore,
(Law Section) Bangalore.

Subject:- O.S.10/36-37 on the file of the Civil Judge Mysore
Mrs. B. V. Narayanaswamy Iyengar Vs Govt of Mysore

Sir,

I have the honour to state that the above case has been adjourned to 2.8.37 for Records.

I have the honour to be
Sir,
Your most obedient servant

for Public Prosecutor,
Mysore Division.

Fwd
for perusal
BKR
9.8

Sd/c
9-8-37

814/37

No. 145.

Office of the Public Prosecutor,
Mysore Division, Mysore.
Dated 2nd August 1937.

From

The Public Prosecutor,
Mysore Division,
Mysore.

4. AUG. 1937

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section,
Bangalore.

GENERAL SECRETARY
4 AUG. 1937

Sir,

Subject:-O.S.No.10 of 1936-37 (Messrs.B.V.Narayanswamy and Co. Vs. Chief Secretary and 2 others) on the file of the District Judge Mysore.

I have the honour to report that the abovenoted case has been adjourned to 16-8-37 to enable the plaintiff to file the list of documents to be admitted or denied by the defendants.

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

ed
d for perusal.
5.8

5-8-37

2688 /37

OFFICE OF THE PUBLIC PROSECUTOR,
.....Mysore..... DIVISION,
~~DISTRICT OFFICE BUILDINGS,~~
Dated.....2:11:.....1937.

No. 527.

Enc. 1.

FROM

The Public Prosecutor,
.....Mysore..... *Division,*
.....Mysore.....

GENERAL SECRETARY 3 NOV. 1937

To The Secretary to the Government H.H. the Maharaja of Mysore, Law Section Bangalore

SIR,

Subject :— Cr. No. 10/36-37 (Messrs B.V. Narayanswamy etc 65 Chief Secretary & 20 others) on the file of the District Judge Mysore

I have the honour to state that the above case has been adjourned to 3:11:1937 as the.....

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03485—GPB—900—30-8-37

2709 p 37

O. 533

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
.....Mysore..... DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,

Dated.....3:11:.....1937.

FROM

GENERAL SECRETARIAT 5 NOV. 1937

The Public Prosecutor,
.....Mysore..... *Division,*
.....Mysore.....

To

The General Secretary to the Government of H-H. BMR
The Maharaja of Mysore. Law Section,
Bangalore.

SIR,

Subject :— C.C. No 10/36-37 (Messrs B.V. Narayanaswamy & Co vs Chief Secretary & 2 others) on the file of the District Court Mysore.

I have the honour to state that the above case has been adjourned to 29-11-1937 for evidence. as ~~the~~.....

I have the honour to be,
Sir,
Your most obedient servant,

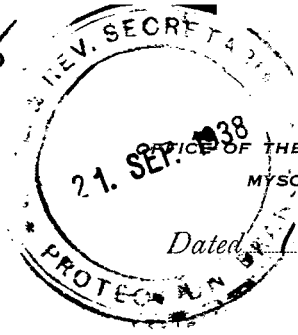
T Ramaswamy

Public Prosecutor.

WD 03485—GPB—900—30-8-37

1946 P838

4/-



OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 19.9.1938.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

GENERAL SECRETARY.
21 SEP. 1938

To No.
The Secretary to the Government of H.H. the Maharaja of Mysore Law Section,
Bangalore.

SUBJECT :— O.S. No 10/36-37 (Messrs Sr. Narayanaswamy & Co vs Chief Secretary & 2 others) on the file of the District Court, Mysore.

SIR,

I have the honour to report that the above noted case has been adjourned to 18-10-38

Ord.
Plaintiff's Advocate represented to the Court that Messrs Sr. Narayanaswamy & Co have submitted a memorial to Government proposing a compromise of the suit-claim. He prayed that the suit may be adjourned pending disposal of the memorial. The suit is accordingly adjourned to 18-10-38 for putting Compromise or Evidence.

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

2387-936

OFFICE OF THE PUBLIC PROSECUTOR,
Bangalore DIVISION,
DISTRICT OFFICE BUILDINGS.

O. 695/36-37.

Enc.

Dated 12—10—1936.

FROM

The Public Prosecutor,
Bangalore Division,
Bangalore

GENERAL SECRETARY.
15 OCT. 1936

To
The General Secretary to the Govt
Bangalore

Sir

Subject:— O.S. No. 11/35-36 on the file of the District Judge, Bangalore (C.B.V. Narayanaswamy Vs — Govt)

I have the honor to state that the above case has been adjourned 16-11-1936 for filing documents vitas on Court

I have the honor to be,
Sir,
Your most obedient servant,

Submitted for perusal

Public Prosecutor.

WD' 02100—900—27.2.36

17/10

Secy
17-10-36

27.47/38

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

708

Dated 31.10.1938.

GENERAL SECRETARY
2 NOV. 1938

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The General Secretary to The Government of H. H. The Maharaja of Mysore, Law Section, Bangalore.

ect:— OS. No 10/36-37 (Messrs B.V. Narayanaswamy & Co Vs Chief Secretary & 20 Ors) on the file of the District Court, Mysore

SIR

I have the honour to report that the above noted case has been adjourned to 11.38 as the Court was engaged in the Sessions trial.

I have the honour to be
Sir,
Your most obedient servent,

Public Prosecutor

to..

2445 1938

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE

Dated 18-10-1938.

LEGAL & REV. SECRETARIAT
20. OCT. 1938

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

TO

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore.

SECRETARIAT
20 OCT. 1938

O.S. No 10/36-37 (Messrs BV. Narayanaswamy &c. vs Chief Secretary & others) on the file of the District Court, Mysore.

SIR,

I have the honour to report that the above noted case has been adjourned to 28-10-1938 and the plaintiffs' application is under the consideration of Government.

Submitted for perusal

20/10

POKR 21/10

Sd/- 21-10-38

I have the honour to be
Sir,
Your most obedient Servant

K R [illegible]

Public Prosecutor.

2580 p837

10/37

o. 509

nc. 1

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS,~~
Dated 26.10.1937.

ROM

The Public Prosecutor,
Mysore *Division,*
Mysore.

GENERAL SECRETARY.
28 OCT. 1937

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore

IR,

Subject :— O.S. No. 10/36-37 (Messrs B.V. Narayanaswamy Iyer & Chief Secretary & 2 others) on the file of the District Court Mysore

I have the honour to state that the above case has been adjourned 1.11.1937 for filing the list of documents admitted as agreed by the Engineers.

d for perusal

B.V.R. 1.11.37

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

35—GPB—900—30-8-37

2091
Bv

2823-837

E

OFFICE OF THE PUBLIC PROSECUTOR,
..... Mysore ..... DIVISION,
~~DISTRICT OFFICE BUILDINGS,~~
Dated ..... 15 - 11 ..... 193 7

SECRETARIAT
7 NOV. 1937
P no

The Public Prosecutor,
..... Mysore ..... *Division,*
..... Mysore .....

The General Secretary to the Government of H.H. the Maharaja of Mysore Law Section, Bangalore

Subject :— C. 10/36-37 (Messrs. Narayanswamy & Co. & Chief Secretary & 2 others) on the file of the District Court Mysore

have the honour to state that the above case has been adjourned to 18.11.37 to enable the defendants to file a memo as to information regarding the present custody of the several documents seized by the Police & referred to by the Plaintiff in his petition for admission or denial. On furnishing the information Plaintiff is directed to summon the production of the documents for

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

P.T.O

5—GPB—900—30-8-37

3310 P 37

No. 684

Enc. —

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,
Dated 29.11.1937

FROM

The Public Prosecutor,
Mysore Division,
Mysore

1 DEC. 1937

To The Private Secretary to the Government of H.H. the Maharaja of Mysore. Law Section, Bangalore

SIR,

Subject :— O.S. No 10/36-37 (Messrs B.V. Narayanaswamy & Co & Chief Secretary & 2 others) on the file of the District Judge Mysore

I have the honour to state that the above case has been adjourned 2-12-37 as

Plaintiff is asked to state after tion if the documents wanted are to be found in the records ved from the City Magistrate's st.

I have the honour to be,
Sir,
Your most obedient servant,
K Rama Swamy
Public Prosecutor.

35—GPB—900—30-8-37

for perusal. BVR 2-12 2-12-37

3393 P37

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS,~~

No. 693

Dated 2.12.1937

Inc.

FROM

The Public Prosecutor,
Mysore Division,

GENERAL SECRETARIAT
6 DEC. 1937
Mysore

TO

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section,
Bangalore

SIR,

Subject :— O.S. No 10/36-37 (Messrs B.V. Narayanaswamy & Co & Chief Secretary & 2 others) on the file of the District Judge, Mysore

I have the honour to state that the above case has been adjourned to the 3.12.37 to enable the plaintiff to file a list of documents he wants to summon from the City Court. Mysore.

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

D 034

03485—GPB—900—30-8-37

3395 /37

No. 107

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,
Dated 3.12. 1937.

FROM

GENERAL SECTION
6 DEC. 1937

The Public Prosecutor,
Mysore Division,
Mysore

To

The Principal Secretary to the Government of H. H. the Maharaja of Mysore, Law Section, Bangalore

SIR,

Subject :— O.S. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co. vs Chief Secretary & 2 others) on the file of the District Court, Mysore

I have the honour to state that the above case has been adjourned to 13.12.1937 awaiting records from the City Court as the ~~as~~

.....

Invited for perusal.
7.12

I have the honour to be,
Sir,
Your most obedient servant,
V. Ramaswamy
Public Prosecutor.

8-12-37

VD 03485—GPB—900—30-8-37

3395 / 3628 / 37

No. 791

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,
Dated 13.12.1937

FROM
The Public Prosecutor,
Mysore Division,
Mysore

15 DEC. 1937

To
The General Secretary to the Government of H.H. the Maharaja of Mysore Law Section, Bangalore

SIR,

Subject :— O.S. No. 10/36-37 (Messrs D.V. Narayanaswamy to the Chief Secretary & 2 others) on the file of the District Court, Mysore.

I have the honour to state that the above case has been adjourned 20.12.1937 to await receipt of records from the Sessions Magistrate Court.

For perusal

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

03485—GPB—900—30-8-37

16.12

3751/37

OFFICE OF THE PUBLIC PROSECUTOR,

..... Mysore ..... DIVISION,

~~DISTRICT OFFICE BUILDINGS,~~

Dated 20.12. 1937

No. 827

Enc. —

ROM

The Public Prosecutor,

..... Mysore ..... *Division,*

..... Mysore .....

AL SECRETARY.

22 DEC. 1937

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore

BKR

Subject :— C.S. No. 10/36-37 (Messrs B.V. Narayanaswamy etc to the Chief Secretary + 20 others) on the file of the District Magistrate Mysore

have the honour to state that the above case has been adjourned 10.1.38 to await record from the City Court as

.....

d for perusal

BKR
4/1

Sur C
3-1-38

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

03485—GPB—900—30-8-37

4609/P 237

No. 900

Enc.

OFFICE OF THE PUBLIC PROSECUTOR,
.....Mysore..... DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,
Dated.....10:1:.....1938

FROM *The Public Prosecutor,*
.....Mysore..... *Division,*
.....Mysore.....

GENERAL SECRETARY
12 JAN. 1938

To P.P.
The General Secretary to the Government of H. H. the Maharaja of Mysore Law Section, Bangalore

SIR,

Subject :— O.S. 10/36-37 (Messrs B.V. Narayanaswamy & Co vs Chief Secretary & others) on the file of the District Court, Mysore

I have the honour to state that the above case has been adjourned to 24.1.1938 to await records from the City Court as the ~~.....~~

bd for perusal
BVR
17.1

I have the honour to be,
Sir,
Your most obedient servant,
(Rao Saheb)
Public Prosecutor.

WD 03485—GPB—900—30-8-37

J 4384/37

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS~~,
Dated 24:1:1938.

No. 965

Enc.

FROM

The Public Prosecutor,
Mysore *Division,*
Mysore

RAL SECRETARY.
25 JAN. 1938
P.M

To

the Secretary to the Government of H.H. The Maharaja of Mysore, Law Section, Bangalore.

SIR,

Subject :— O. No 10/36-37 (Messrs B.V. Narayanaswamy & co & Chief Secretary + 2 others) on the file of the District Court Mysore.

I have the honour to state that the above case has been adjourned to 8:2:1938 to await receipt of records as the

I have the honour to be,
Sir,
Your most obedient servant,

Public Prosecutor.

WD 03485—GPB—900—30-8-37

4704/37

PWD 0240—GPB—25,000—1-10-36

193

From

The Public Prosecutor
Mysore

To

The General Secretary to the
Govt. of H.H. The Maharaja of
Mysore, Bangalore.

GENERAL SECRETARY
9 FEB. 1938

Dated

Despatched

Received

General No. 1100

No.

Enclosure No.

C.Y. 363/37 (Messrs B.V. Narayanaswamy & Co
Chief Secretary & 2 others) on the file
District Court, Mysore

Sir,

I have the honour to report that the suit noted in the margin is posted to 14.2.1938 on which date the defendants 2 & 3 have to appear before the Court & admit or deny the documents summoned by the Plaintiff and not kept in the Court of the District Court Evidence will be recorded after the documents are admitted or denied

Considerable difficulty was experienced in collecting together the documents required by the Plaintiff from the various Courts to which they had been filed in connection with a number of criminal cases some of

29 BV 4704
4584

documents are admitted, the Plaintiff assures, there will be very little oral evidence on his side.

The plea put forward on behalf of defendants 2 & 3 is to the effect that the orders executed by the Plaintiff were in response to forged requests and that the Plaintiff as a man of ordinary prudence ought to have scrutinised the indents before consigning goods in response to the orders.

Messrs N. Subbadas and C.T. Narasimha Iyengar will be the principal witnesses on behalf of the defendants. The fraud played by the Ex-Storekeeper Krishnadas of the Irwin Canal Division will be explained by the same witness. As at present advised no additional witnesses need be called on behalf of the Government. Perhaps the head-clerk of the Division (Mr R.A. Krishna Iyengar) may have to be examined as an additional witness to speak to the non-receipt of the goods into Divisional Stores.

I have the honour to be
Sir,
Your most obedient servant
K.V. Rama Iyengar
Public Prosecutor.

Submitted for perusal
11/2

11/2

Sue
11-2-38

4704/4844-37
P 837

No. 1133

Encs.

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE.

Dated 14.2.1938.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

GENERAL SECRETARIAT
16 FEB. 1938

TO The General Secretary to the Government of H.H. The Maharaja of Mysore, Law Section, Bangalore

SUBJECT: P.O. No. 10/36-37 (Allamatti V. Narayanswamy & Co vs Chief Secretary & 2 others) on the file of the District Court, Mysore.

SIR,

I have the honour to report that the 3rd defendant Mr. C.T. Narasimha Iyengar appeared before court and admitted certain documents. Mr. N. Subbarao Superintending Engineer Shimoga Circle could not come owing to Dewan's Tour in the Shimoga District. The case is adjourned to 21.2.1938 for the appearance of Mr. N. Subba Rao to admit or deny the documents.

I have the honour to be
Sir,
Your most obedient servant

Public Prosecutor.

Subba for perusal
18/2/38
SY
Sec C

18.2

No. 1164

Encs.

4992/37
P

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE.

Dated 21. 2. 1938.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

TO

The General Secretary to the Government of H. H. the
Maharaja of Mysore, Law Section,
Bangalore

GENERAL SECRET
23 FEB. 1938

SUBJECT: O. S. No. 10/36-37 (Messrs B. V. Narayanaswamy & Co Vs
Chief Secretary + 2 others) on the file of the District Judge,
Mysore.

SIR,

I have the honour to report that the above-noted case has been adjourned to 10. 3. 1938 for Evidence. Witness list has to be filed.

I have The honour to be
Sir
Your most obedient Servant

Public Prosecutor

49
Subd for perusal
27/2

1.3

Fwd
1/3/

1703

7701

7677

Office of the Public prosecutor,
Mysore Division,
Mysore, dated 20th June 39

22 JUN 1939

From

The Public Prosecutor,
Mysore Division, Mysore.

To

The Secretary to Government of Mysore
Law Department, Bangalore

Subject:- O.S. 10/36.37 (Messrs B.V.N.& Co vs Chief Secretary) on the file of the Dist. Judge

Sir,

I have the honour to report that the above noted case has been posted to 3.7.39. Mr. B.J. Narasimha Iyengar was partly examined today.

I have the honour to be
Sir,
Your most obedient servant,

K Ramachandra

Public prosecutor.

49

Govt C
28-6-39

No. 40. Law

Office of the Public Prosecutor.
Mysore Division,
Mysore, Dated 3/7 1939

From,

The Public Prosecutor,
Mysore Division, Mysore.

To

The Secretary to the Government of Mysore, Law Section, Bangalore.

Subject:- O.S. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co. & Chief Secretary & others) on the file of the District Court Mysore

Sir,

I have the honour to report that the above noted case has been adjourned to 4.7.39. Mr. C.T. Narasimhaiyer was examined today in chief.

I have the honour to be

Sir,

your most obedient servant.

V. Ramaswamy

Public Prosecutor.

No. 41

Office of the Public Prosecutor.

Mysore Division.

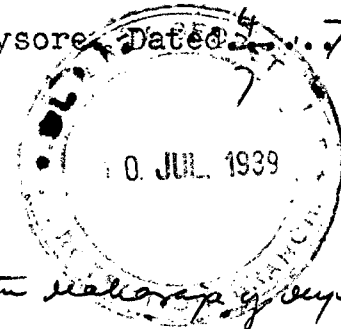
193/P

Mysore, Dated 5.7.1939.

From,

The Public Prosecutor,

Mysore Division, Mysore.



To, The Secretary to the Government of H.H. the Maharaja of Mysore, Law Section Bangalore.

Subject:- O.S.No 10/36-37 (Messrs M.V. Narayanacharya & Co Vs Chief Secretary & others) on the file of the District Court Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 6.7.39. Mr N. Subbarao was examined in part today.

I have the honour to be

Sir,

your most obedient servant.

K.V. Rama Bhatt

Public Prosecutor

O. 42

Office of the Public Prosecutor,

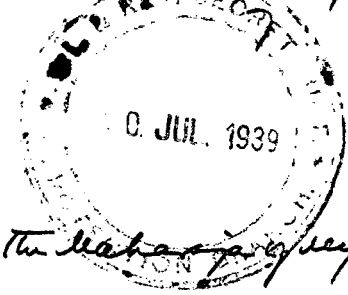
Mysore Division,

Mysore, Dated 5...7....1939

From,

The Public Prosecutor,

Mysore Division, Mysore.



To,

The Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore.

Subject:- O.S. No 10/36-37 (Messrs B.V. Narayanaswamy Iyer & Chief Secretary to Govt & others) on the file of the District Judge Mysore

Sir,

I have the honour to report that the above noted case has been adjourned to 6.7.1939. Mr. N. Subbarao was examined in part today.

I have the honour to be

Sir,

your most obedient servant.

K. Ramachandra Rao

Public Prosecutor.

No. 43

Law Section

Office of the Public Prosecutor,

Mysore Division,

Mysore, 27.7.1939

[illegible] Public Prosecutor,

Mysore Division, Mysore.

To The Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore.

Subject:- O.P. No 10/36-37 (Messrs Bo. Narayanarao & Co. Vs Chief Secretary & Others) on the file of the District Court Mysore.

Sir,

I have the honour to report that the above taken case has been adjourned to 24.7.1939. Mr N. Subbarao was examined in part today.

I have the honour to be

Sir,

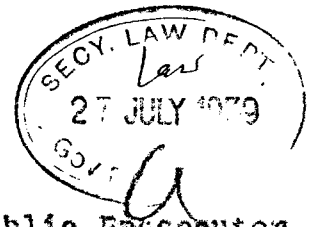
your most obedient servant

I.T. Ramaswamy

Public Prosecutor

MC/13-7-39

179



Office of the Public Prosecutor,
Mysore Division,
Mysore. Dated. 25.7.....1939

From,

The Public Prosecutor,
Mysore Division, Mysore.

195 / 588 / P

The Secretary to the Government of H.H. the Maharaja of Mysore
Law Section, Bangalore

Subject:- C. No 10/36-37 (Messrs Br. Narayanaswamy etc. vs Chief Secretary + 2 others) on the file of the District Court Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 21.8.39 for further evidence. Mr N Subbarao was further cross-examined today.

I have the honour to be
Sir,
your most obedient servant.
N Rama Rao
Public Prosecutor.

31-7-39

No. 178

SECY. LAW DEPT. 27 JULY 1939 GOVT OF MYSORE

Office of the Public Prosecutor,
Mysore Division,

5886/P

Mysore. Dated 26.7.1939

SECRETARIAT 27 JUL 1939

From,

The Public Prosecutor,
Mysore Division, Mysore.

To

The Secretary to the Government of H.H. the Maharaja of Mysore
Law Section, Bangalore.

Subject: C.P. No 10/36-37 (Messrs Br. Narayanaswamy & Co Vs Chief Secretary & 2 Ors) on the file of the District Court Mysore

Sir,

I have the honour to report that the above matter has been adjourned to 25-7-39 for further evidence. Mr N. Subbadas was examined in part and cross-examined.

I have the honour to be

Sir,

your most obedient servant.

/T Ramachandra/

Public Prosecutor.

No. 376

Office of the Public Prosecutor
Mysore Division, Mysore.
Dated 21 · 8 · 1939

SECY. LAW DEPT.

24. AUG. 1939

From

The Public Prosecutor
Mysore Division
Mysore.

To

The Secretary to the Government of H.H. the Maharaja of Mysore Law Section, Bangalore.

Subject:- O.S. No 10/36-37 (Messrs. B. V. Narayana Swamy & Co vs Chief Secretary to the Govt. of Mysore) on the file of the District Court Mysore.

Sir,

I have the honour to report that the above-noted case has been adjourned to 11-9-39 as the Court was at Hassan Sessions.

I have the honour to be
Sir,
Your most obedient servant,

C. Ramaswamy

Public Prosecutor.

1208 √ 1783/P

No. 532

Enc.

GOVT. LAW DEPT. 14 SEP 1939 GOVT OF MYSORE

h 14/9

OFFICE OF THE PUBLIC PROSECUTOR,
Mysore DIVISION,
~~DISTRICT OFFICE BUILDINGS.~~
Dated 9 *19* 39.

14 SEP. 1939

FROM

The Public Prosecutor,
Mysore *Division,*
Mysore

The Secretary to the Government of H.H the Maharaja of Mysore. Law Department, Mysore

Subject :— O.S. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co. the Chief Secretary & 2 others) on the file of the District Court Mysore.

I have the honor to state that the above case has been adjourned to 13.11.39 on account of Mysore Session ~~as~~ he

I have the honor to be
Sir,
Your most obedient servant,
K Ramaswamy

Public Prosecutor.

Sec C 18-9-39

VD 04123—250—2-8-39

938

SECY. LAW DEPT. 15 NOV. 1939 GOVT OF MYSORE

Law

1783 V 3138 p 139

Office of the Public Prosecutor
Mysore Division, Mysore
D 13.11.39.

on

The Public Prosecutor
Mysore Division,
Mysore

LEGISLATIVE DEPARTMENT 15 NOV. 1939

The Secretary to the Government of H. H. the Maharaja
of Mysore, Law Department
Bangalore

Sub:- O.S. No 10/36-37 (Messrs B.V. Narayanaswamy & Co. & Chief Secretary & 2 others) on the file of the District Judge Mysore

Sir,

I have the honour to report that the above-noted case has been adjourned to 4.12.39 on account of Mandya Sessions.

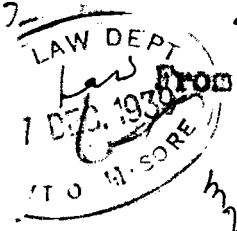
I have the honour to be
Sir,
Your most obedient servant

Public Prosecutor

3138 V372 1939

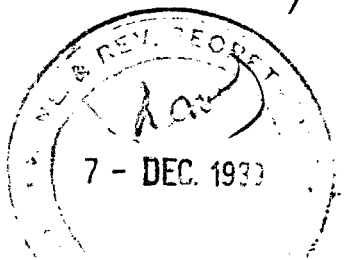
No: 1110

Office of the Public Prosecutor,
Mysore Divn. Mysore, Dated 5-12-39



From

The Public Prosecutor,
Mysore Division, Mysore.



To

The Secretary to the Government of H.H. the Maharaja of Mysore
Law Dept. Bangalore

Subject:- C.C. 10/36-37 (Messrs Br. Narayanachary etc & H. Shivaswamy & 2 others) on the file of the District Judge Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 9.1.40 for further evidence

Mr. N. Subbadoo was cross-examined partly.

I have the honour to be,
Sir,
Your mostobedient Servant,
K Ramaswamy

Public Prosecutor.

No. 1370 3721 & 4526 Office of the Public Prosecutor,
Mysore Division, Mysore, 9.1.40.

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Govt. of H.H. the Maharaja of Mysore
Law Dept. Bangalore.

Subject:- O.S.10/36-37 (Sri M.V. Narayanaswamy & Co. vs Chief Secretary & 2 others) Writ file of the District Court Mysore

Sir,

I have the honour to report that the above noted case has been adjourned to 5th & 6th February 1940 as the Court was engaged in Mysore Session Case No 87/39-40.

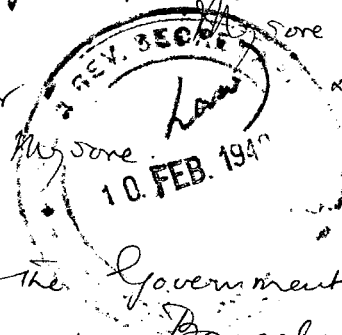
I have the honour to be,
Sir,
Your most obedient Servant,
P Rama Rao

Public Prosecutor.

16.03 4526. 526/39 p 39

Office of the Public Prosecutor
Mysore Divn. Mysore.
Dated. 7/8. 2. 40.

From
The Public Prosecutor
Mysore Divn. Mysore



To
The Secretary to the Government of Mysore
Law Department, Bangalore.

Subj: O.S. 10/36.37. (B.V.N. & Co Vs. Chief Secretary & 2 Others) before the District Judge, Mysore.

Sir
I have the honour to report that the above noted case has been adjourned to 27.2.40. for further proceedings.

I have the honour to be,
Sir,
Your most obedient Servant

/T Ramaswamy/

Public Prosecutor

WR C

LAW DEPTT. 1940 GOVT OF MYSORE

1798 / 5261 / 5737 / 339

Office of the Public Prosecutor
Mysore division, Mysore
Dated 1.3.40.

REVENUE SECRETARIAT
Received
1 - MAR. 1940
Bangalore.

From
The Public Prosecutor
Mysore division,
Mysore.

To
The Secretary to the Government of H.H. the Maharaja's
Mysore Law Department, Bangalore.

Subject:- C.C. No. 10/36-37 (Messrs B. Narayanaswamy Rao & Others
Chief Secretary & 2 others) on the file of the ~~District~~ District
Judge Mysore.

Sir,

I have the honour to report that the above-noted case has been adjourned to 21.3.40 as the Judge was engaged in hearing other cases.

I have the honour to be
Sir,
Your most obedient servant
K. Ramaswamy
Public Prosecutor

3-40

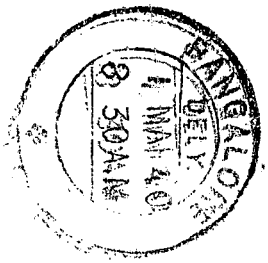
On Mysore Government Service.

No 1798

To

The Secretary to the Government of
H. H. The Maharaja of Mysore
Law Department
Bangalore

V. Ramaswamy
Public Prosecutor
Mysore City



No 1983

5737 √ 6264 939 P

Office of the Public Prosecutor
Lyposeedition, Mysore.
dy 21-3-40.

From

The Public Prosecutor
Lyposeedition,
Mysore

GOVT. LAW DEPT.
RECD
25 MAR 1940
GOVT OF MYSORE

To (1) The secretary to the Government of H.H. the Maharaja of Mysore
Law Department, Bangalore.

Subject:- Cr. 10/36-37 (Messrs B.V. Narayanaswamy & Co. & Chief Secretary & 2 Ors
on the file of the District Judge Mysore.

Sir,

I have the honour to report that the above-noted Case has been adjourned to 27-5-1940 for Evidence

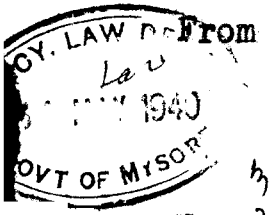
I have the honour to be
Sir,
Your most obedient servant
R Ramachandra Rao
Public Prosecutor

C
18-3-40

2319

Office of the Public Prosecutor,
Mysore Division,
Dated 29-5- 1940.

2-4 7821/39 P839



From

The Public Prosecutor,
Mysore Division, Mysore.

To 31/5/.

The Secretary to the Government of H.H. the Maharaja of Mysore
Law Department, Bangalore

Subject:- P.No 10/36-37 (Messrs B.V. Narayanaswamy &c vs Chief Secretary & 2 others) on the file of the District Judge Mysore

Sir,

I have the honour to state that the above noted case has been adjourned to 22-7-40 as the Court was engaged in Sessions work

I have the honour to be
Sir,
Your most obedient servant

K.P. Ramachandra

Public Prosecutor.

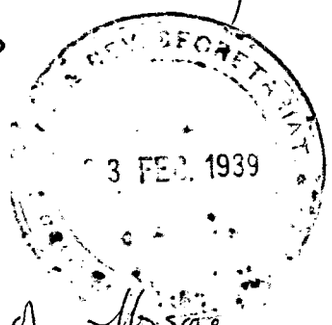
1241

Encs

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE

Dated 21. 2. 1939.

5306/P



FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The Addl. Secretary to the Govt. of Mysore
Law Section; Bangalore.

SUBJECT:— O. S. 10/36-37 (B. V. N & Co by Chief Secretary and 2 others) on the file of the District Judge, Mysore.

SIR,

I have the honour to report ~~to report~~ that Mr. A. S. Gopalaiah, Clerk Bank of Mysore Ltd: was further Cross-examined today in the above-noted case. Mr. Kanakasabhapathy Postal Clerk was also in attendance but he was discharged since his Cross-examination was already complete.

The case is posted to the 20th March '39 for further evidence. The defendants' witnesses will have to be examined that day.

I have the honour to be,
Sir,
Your most obedient Servant
A. L. Rama Rao
Public Prosecutor

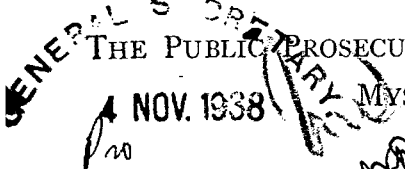
2794/38

785

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 1.11. *1938.*

From



THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore.

Subject:— O.S. 10/36-37 (Messrs B.V. Narayana Swamy & Co vs Chief Secretary & others) on the file of the District Court Mysore.

I have the honour to report that the above noted case has been adjourned to 11.38 for reporting Compromise or Evidence

[illegible] Addl. Secy. Today this

I have the honour to be
Sir,
Your most obedient servent,

T. Rama Swamy

Public Prosecutor.

5340 S386/57
P

1285

Office of the Public Prosecutor,
Mysore Division,

Dated 11. 3. 1938.

The Public Prosecutor,
Mysore Division,
MYSORE.

GENERAL SECRETARY. 14 MAR 1938

From

The Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore.

Subject:— O.P. 10/36-37 (Messrs Sr. Narayana Swamy Iyengar & 2 others) on the file of the District Court, Mysore

Sir,

I have the honour to report that the above noted case has been adjourned to 23.5.38 for further Evidence. Sir Ramachandrachar, Station master was further examined.

I have the honour to be
Sir,
Your most obedient servant

K Ramachandrachar

Public Prosecutor.

Submitted for perusal
21.3

Seen
22-3-38

5129/8340-
T

1268

Office of the Public Prosecutor,
Mysore Division,

Dated 10.3. 1938.

rom

The Public Prosecutor,
Mysore Division,
MYSORE.

GENERAL SECRETARY. 12 MAR 1938

Pro
the Chief Secretary to the Government of
H.H. the Maharaja of Mysore Law Section,
Bangalore

bject:— O.S. No 10/34-37 (Messrs M. Narayanaswamy & Co vs
Chief Secretary & 20 others) on the file of the District Judge
r, Mysore

I have the honour to report that the above noted case as been adjourned to 11.3.1938 for further evidence.
B. Ramachandrachar, station-master Mandya was partly examined.

Submitted for perusal

11/3/38

17.3

I have the honour to be
Sir,
Your most obedient servant

K Rama Swamy

Public Prosecutor.

17/3

465

6872
P 37

Office of the Public Prosecutor,
Mysore Division,

Dated 23. 5. 1938.

om

The Public Prosecutor,
Mysore Division,
MYSORE.

SECRETARY
26 MAY 1938

The General Secretary to the Government of H.H. the Maharaja of Mysore. Law Secretariat, Bangalore.

ject:— O.S. No 10/38-39 (Messrs B.V. Narayanaswamy & Co & Chief Secretary & others) on the file of the District Court, Mysore

r,

I have the honour to report that the above noted case been adjourned to 28.5.1938 for further evidence

d for perusal
DPR
27.5

I have the honour to be
Sir,
Your most obedient servant

Sub C
27-5-38

Public Prosecutor.

46

6892 7166 p837

Office of the Public Prosecutor,
Mysore Division,

Dated 4.6. 1938.

om

The Public Prosecutor,
Mysore Division,
MYSORE.

GENERAL SECRETARY'S
6 JUNE 1938

for The General Secretary to The Government of H.H. The Maharaja of Mysore, Law Section, Bangalore.

bject:— Cr. No 10/36-37 (Memo BV. Narayanasamy Esq to H Chief Secretary & others) on the file of the District Judge, Mysore.

r,

I have the honour to report that the above noted case is been adjourned to 21.6.38

I have the honour to be
Sir,
Your most obedient servant

Public Prosecutor.

6

7469/37

Office of the Public Prosecutor,
Mysore Division,

Dated 21.6. 1938.

SECRETARY.
JUNE 1938

The Public Prosecutor,
Mysore Division,
MYSORE.

BKR

The General Secretary to the Govt of H.H. the Maharaja of Mysore. Law Section, Bangalore

ject:— C.C. No 10/36-37 (Mem of V. Narayanaswamy etc vs Chief Secretary + 2 others) on the file of the District Court, Mysore

I have the honour to report that the above noted case s been adjourned to 2.7.1938 for further evidence.

ubed for perusal

BKR 23-6

23-6-38

I have the honour to be
Sir,
Your most obedient servant

Public Prosecutor.

16.

23/738.

Office of the Public Prosecutor
Mysore Division, Mysore.
2. 7. 1938

From

The Public Prosecutor
Mysore Division,
Mysore

To

The Personal Secretary to the Government of H. H. the Maharaja of Mysore, Law Section, Bangalore.

AL SECRETARY
4 JULY 1938

Subject:— O. No 10/36-37 (Messrs B.V. Narayanaswamy & 6 Ors Chief Secretary and 2 others) on the file of the District Court Mysore.

Sir,

I have the honour to report that the above-noted case has been adjourned to 6.8.1938 for further evidence.

N.B.
Postal clerk Ramakeshabhatta was examined and cross-examined to some extent. Further cross-examination stopped for want of records.

I have the honour to be
Sir,
Your most obedient servant
Ramachandra
Public Prosecutor.

9/7
P.P. for perusal.
BKR 5.7.
Sec C 6-7-38

940/38

93

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 6-8- 1938.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

TO

The Principal Secretary to the Government of H.H.
8 AUG 1938 Maharaja of Mysore Law Section,
P.M. Bangalore.

SUBJECT :— O.S. No 10/36-37 (Dewan Bdr. Narayanaswamy
+co vs Chief Secretary + 2 others) on the
file of the District Court, Mysore.

SIR,

I have the honour to report that the above noted case has been adjourned to 22-8-38 for evidence.

be for perusal
4

8-8-38

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

V1298/38

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION.

Dated 22-8-1938.

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

TO SECRE The General Secretary to the Government of H.H. The Maharaja of Mysore, Law Section, Bangalore.

24 AUG. 1938

SUBJECT: O.S. No 10/36-37 (Messrs BV. Narayanaswamy Iyer & Co VS Chief Secretary & 2 others) on the file of the District Judge Mysore.

SIR,

I have the honour to report that the above noted case has been adjourned to 19-9-38 for Evidence or Compromise.

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

ubo for perusal

25-8-38

No. 1608

MEMORANDUM

7291

From: The Public Prosecutor, Mysore Dist.

To: The Additional Secretary to the Govt. of Mysore, Police

Dated: 30.5.1939

Subject: O.S. 10/36-37 (Messrs B.V.N. & Co. by Chief Secretary and 2 others) on the file of the Dist. Judge, Mysore

Sir,

I have the honour to report that the above-noted case has been posted on the 19th and 20th of June 1939 for defence evidence.

I have the honour to be,
Sir,
Your most obedient servant

Public Prosecutor

[Please reply overleaf

2.6

Post for perusal

4.6

1939

Govt. C. 4/6/39

D 1999--GPB--150 reams--23-12-35

9

No. 1699

Encs /

7677/P

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION, MYSORE

Dated 19 June 1939

GENERAL SECRETARIAT
21. JUN. 1939
PROTECTION

FROM

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To The Secretary to the Government of Mysore
Law Department, Bangalore

GENERAL SECRETARY
SUBJECT:—
21 JUNE 1939

O.S. 10/36-37 (Messrs B.V.N & Co Vs. Chief Secretary and 2 others) on the file of the District Judge, Mysore

SIR,

I have the honour to report that the above-noted case came up for hearing before the District Judge today. Mr V. T. Srinivasan Deputy Comptroller, was examined on behalf of the plaintiffs and their case closed. The case stands adjourned tomorrow when the evidence on behalf of the defendants will be adduced.

Messrs C. T. Narasimha Iyengar, M. Subbaraya and Clerk R. A. Krishna Iyengar will be examined for the defence tomorrow

I have the honour to be,
Sir,
Your most obedient Servant
R. Srinivasan
Public Prosecutor

5. 1228

Office of the Public Prosecutor
Mysore Division, Mysore
D) 16.2.39.
5222/P

From

The Public Prosecutor
Mysore Division,
Mysore

To

The Additional Secretary to the Government of H.H.
the Maharaja of Mysore. Law Section,
Bangalore

Subject:- O no 10/36-37 (Mess Sr. N. Rao Vs Chief Secretary
+ 2 others) on the file of the District Magistrate Mysore

Sir,

I have the honour to state that the above noted
case has been adjourned to 21.2.39 for further evidence.
Mr. Srinivasan was further cross-examined & re-examined
today.

I have the honour to be
Sir,
Your most obedient servant
K Rama Rao
Public Prosecutor

Issued
16-2-39

No. 1217

From

The Public Prosecutor
Mysore Dist. Mysore

Office of the Public Prosecutor
Mysore Division
5233/15. P. 2. 39.

To

The Addl. Secretary to the Govt. of Mysore
Law Section; Bangalore.

Subj: O.S. 10/36.37 (B.V. N+Co vs. Chief Secretary and 2 others) on the file of the District Judge Mysore.

Sir,

I have the honour to report that the above-noted case was adjourned to 16.2.39 for further evidence. The plaintiff was cross-examined today

I have the honour to be,
Sir,
Your most obedient Servant
T Ramaswamy

Public Prosecutor.

1210

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 14.2.1939.

5172 1p

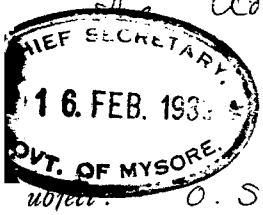
From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

16.2

To

The Addl. Secretary to the Govt. of Mysore
Law Section; Bangalore



Subject: O.S. 10/36-37 (B.V.N. & Co to Chief Secretary & 2 others) on the file of the District Judge, Mysore

I have the honour to report that the above noted case has been adjourned to morrow 15.2.39 for further evidence. Plaintiff Srinivasan was cross-examined for part to-day

I have the honour to be
Sir,
Your most obedient servent,

Public Prosecutor.

21-2 1-2-39

1203 5147/P

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 13-2-1939.

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The Additional Secretary to the Government of H.H.
the Maharaja of Mysore, Law Section,
Bangalore

Subject:— Cr. M. 10/36-37 (Messrs B.V. Narayanaswamy Iyer & 2 others) on the file of the District Court Mysore

I have the honour to report that the above noted case has been adjourned to 13-2-39 for further evidence. Mr Ramachandraiah Ex. Station-master was cross-examined today.

I have the honour to be
Sir,
Your most obedient servent,
/P Rama Rao

Public Prosecutor.

4789/P

1099

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

REV. SEC.
28 JAN 1939

Dated 26.1.1939.

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To The Additional Secretary to the Govt. of Mysore: Law Section; Bangalore.

Subject:— O.S. 10/36-37 (B.V. Nanjundaiah Vs. Chief Secretary & others) on the file of the Dist. Judge Mysore.

I have the honour to report that the above noted case has been adjourned to 2.2.39 for further proceedings as there was no time available today.

I have the honour to be
Sir,
Your most obedient servent,

Public Prosecutor.

30-1-39

1058

BKR 20-1

L & REV. SECRETARY
20 JAN 1939

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 18-1-1939.

4648 Jgt 85
P

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The Additional Secretary to the Government of
H.H. the Maharaja of Mysore, Law Section, Bangalore

Subject:— O.S. No 10/36-37 (Messrs B.V. Narayanaswamy & Co Vs
Chief Secretary & 2 others) on the file of the District
Judge Mysore

I have the honour to report that the above noted case has been adjourned to
P/ 6-1-1939 as the Judge was on leave.

I have the honour to be
Sir,
Your most obedient servent,

Public Prosecutor.

1-0

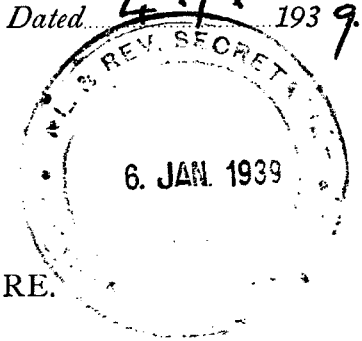
E 4-1-39

437/938

996

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 4-1- 1939.



From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

6 JAN. 1939

To The Additional Secretary to the Government of H.H. the Maharaja of Mysore, Law Section, Bangalore

Subject:— C.C. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co. Vs Chief Secretary & 2 others) on the file of the District Magistrate, Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 8-1-39 for further Evidence.

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

9-1-39

4345/38

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

5. JAN. 193 Dated 3-1-1939.

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The Additional Secretary to the Government of H.H. the Maharaja of Mysore Law Section, Bangalore

Subject :— O.S. No 10/36-37 (Messrs B.V. Narayanaswamy & Co & Chief Secretary & 2 others) on the file of the District Munsiff Mysore

I have the honour to report that the above noted case has been adjourned to 3.1.1939 for further evidence.

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

4153 & 4194 1938.

955

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 20-12-1938.

GENERAL SECRETARY
23 DEC. 1938
REV. SECRETARIAT
23. DEC. 1938

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The General Secretary to the Government of H.H.
The Maharaja of Mysore, Law Section,
Bangalore

Subject:— Cr. no 10/36-37 (Messrs BV. Narayanaswamy Iyer & 5 Chief Secretary & 2 others) on the file of the District Court of Mysore

I have the honour to report that the above noted case has been adjourned to 2-1-1939. Plaintiff was further examined today.

I have the honour to be
Sir,
Your most obedient servent,

K P Ramachandra Rao

Public Prosecutor.

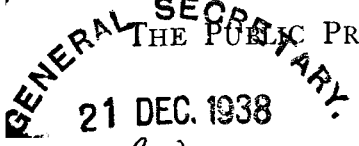
P.C.
26/12

4018
4153

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 19th Dec. 1938.
20

From



THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To
The General Secretary to the Government of Mysore, Bangalore

Subject:— O.S. 10/36-37 (B.V.N.+Co vs Chief Secy. & others) on the file of the District Judge, Mysore.

I have the honour to report that the above noted case has been adjourned to 12.38. The plaintiffs' examination-in-chief was ~~times~~ today and may take up the whole of tomorrow also.

I have the honour to be
Sir,
Your most obedient servant,

K Rama Rao

Public Prosecutor.

W.C. 22/12

4018/38

22

L & REV. SECRET.
15. DEC. 1938

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 13th Dec. 1938.

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

GENERAL SECRETARY.
15 DEC. 1938

To

The General Secretary to the
Govt. of Mysore, Bangalore

Subject:— O.S. 10/38-39 (B.V.N. & Co vs. Chief Secy. and two others) on the file of the District Judge Mysore.

I have the honour to report that the above noted case has been adjourned to 14th Dec. '38 for further evidence. Mr. Gopaliah, Clerk of Mysore Bangalore was examined yesterday. The plaintiff partly examined-in-chief.

I have the honour to be
Sir,
Your most obedient servent,

K. Ramachandra

Public Prosecutor.

19

15-12-38

B101V 3 8 00 838

893

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

GENERAL SECRETARY.
8 DEC. 1938

Dated 7 1938.

8. DEC. 1938

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To

The General Secretary to the Govt. of Mysore. Bangalore.

Subject:— O.S. 10/36-37 (B.V. Narayanaswamy & Co & Ch. Secy & others) on the file of the Dist. Judge. Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 12.38 for further evidence

I have the honour to be
Sir,
Your most obedient servent,

Public Prosecutor.

12/38

3/0

74

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DIVISION,

Dated 15-11-1938.

GENERAL SECRETARY. 17 NOV. 1938

JUDL & REV. SECRETARIAT. HOME 17. NOV. 1938

From

THE PUBLIC PROSECUTOR,
MYSORE DIVISION,
MYSORE.

To The General Secretary to the Government of H.H the Maharaja of Mysore, Law Section, Bangalore.

Subject:— OS. No. 10/36-37 (Messrs B.V. Narayanaswamy & Co. Vs Chief Secretary & others) in the file of the District Judge Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 21.11.38 for evidence

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor.

Sec C / 11-38

No 1579

MEMORANDUM

From

The Public Prosecutor
Mysore Dist. Mysore

To 7209

23rd May 1939

The Additional Secretary to the
Govt. of Mysore, Law Section, Bangalore

O. S. 10/36-37 (B. V. N. S. Co. vs Chief Secy. & 2 Ors.)
on the file of the Dist. Judge, Mysore.

Sir,

I have the honour to report that the above noted case is posted to the 30th May 1939 for reporting compromise as prayed for by the plaintiff's counsel.

I have the honour to be,
Sir,
Your most obedient servant
K Ramachandra
Public Prosecutor.

28/5

) 1999—GPB—150 reams—23-12-35

[Please reply overleaf

49 649 5/1348 /40

Office of the Public Prosecutor
Mysore District, Mysore
Dt 28.8.40

The Public Prosecutor
Mysore District
Mysore

To

The Secretary to the Government of H. H. the Maharaja of
Mysore Law Section, Bangalore

Subject:— O. C. (0/36-37) (Messrs B.V. Narayanacharya & Co vs Chief Secretary & others) on the file of the District Judge Mysore.

Sir,

I have the honour to report that the above noted case has been adjourned to 25-11-40 for further Evidence of N. Subbachar was cross-examined today.

I have the honour to be
Sir,
Your most obedient servant
K V Rama Sastry
Public Prosecutor

1388 / 3257/40

SECY. LAW DEPT. 27 NOV. 1940 GOVT OF MYSORE

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT.

No. 912

Mysore, Dated 25th Nov. 1940.

27 NOV. 1940

From

THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: O.S. 10 of 36-37 (Messrs. B.V. Narayanaswamy & Co. Vs Chief Secretary & Others) on the file of the District Judge, Mysore.

SIR,

I have the honour to report that the above-noted case has been adjourned to 26-11-40 for further examination of 3rd. defendant

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.

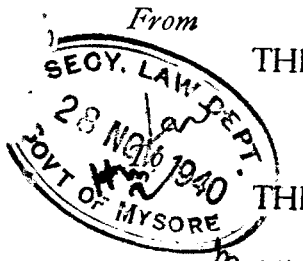
3284/40

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

No. 932

Mysore, Dated 26-11-1940.

From



THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: P. 10/36-37 (Memo No. to Chief Secretary to Govt. the file of the District Court Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 27-11-40 for further disposal

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.

3357/40

No. 943

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

Mysore, Dated 27. 11. 1940.

From

THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: Cr. no 10/36-37 (Messrs B.V.N & Co. vs Chief Secretary & 20 others) in the file of the District Judge, Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 28-11-40 for further Evidence

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.

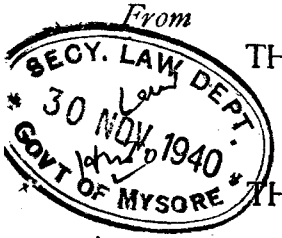
3360-40
P

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

No. 948

Mysore, Dated 28·11·1940.

From



THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: C. 10/36-37 (Messrs B.V. Narayanaswamy & Co. to Chief Secretary to Govt) Returning file of the District Judge Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 2·12·40 for further evidence

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.

No. 976

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

Mysore, Dated 2-12-1940.

From

THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: O. 10/36-37 (Messrs Sr. Narayanaswamy & Co to the Chief Secretary A 20 Rs) with file of the District Judge Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 4-12-40 for further evidence & arguments.

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.

3494/40

No. 1005

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT,

Mysore, Dated 2-12- *1940.*

From

THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: C. 10/36-37 (Messrs B.V. Narayanaswamy & Co's letter to the Chief Secretary to Govt) with file of the District Magistrate Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 5-12-40 for arguments.

I have the honour to be,
Sir,
Your most obedient Servant,

K. Ramachandra

Public Prosecutor, Mysore District.

3549/40

SECY. LAW DEPT. 10 DEC. 1940 GOVT OF MYSORE

OFFICE OF THE PUBLIC PROSECUTOR,
MYSORE DISTRICT.

No. 1021

Mysore, Dated 7-12-1940

10 DEC. 1940

From

THE PUBLIC PROSECUTOR,
Mysore District, MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
Law Department, BANGALORE.

Subject: O.P. (O) 36-37 (Messrs B.V.N. Co. Vs Chief Secretary, Others) on the file of the District Judge, Mysore

SIR,

I have the honour to report that the above-noted case has been adjourned to 16/12/40 for Judgment.

I have the honour to be,
Sir,
Your most obedient Servant,

Public Prosecutor, Mysore District.